

# Appendix One

**In The Matter Of:**  
*Tricia Wachsmuth v.*  
*City of Powell, et al.*

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*Tim Feathers*  
*November 23, 2010*

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**Tricia Wachsmuth v.  
City of Powell, et al.**

Tim Feathers  
November 23, 2010

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1 APPEARANCES		1 Direct Examination by Mr. Gosman		
2 FOR PLAINTIFF:		2 TIM FEATHERS,		
3 Mr. Jeffrey C. Gosman		2 having been first duly sworn, testified as follows:		
4 Gosman Law Office		3 DIRECT EXAMINATION		
5 125 W 2nd Street		4 BY MR. GOSMAN:		
6 P.O. Box 51267		5 Q. Chief, you have heard me ask the same		
7 Casper, WY 82601-2481		6 questions over and over again for a couple of weeks		
8 Telephone: (307)265-3082 - Fax: (307)265-6715		7 now, so we're going to forego a lot of this. And one		
9 E-mail: jeff@gosmanl.woffices.com		8 of the things we're going to forego is all this		
10		9 business about have you given a deposition before. I		
11		10 assume that you have. And if you haven't, you know now		
12		11 how it's done, certainly.		
13 FOR INDIVIDUAL DEFENDANTS:		12 And I'm not particularly interested in your		
14 Ms. Misha Westby		13 work history, so we're going to go ahead and start		
15 Senior Assistant Attorney General		14 directly with your employment by the Powell Police		
16 2424 Pioneer Avenue, 2nd Floor		15 Department.		
17 Cheyenne, WY 82002		16 When were you hired as the Chief of Police at		
18 Telephone: (307)777-5477 Fax: (307)777-8920		17 the Powell Police Department?		
19 E-mail: mwestb@state.wy.us		18 A. When was I hired by the Powell Police		
20		19 Department or when did I become the chief of police?		
21		20 Q. You were hired before you became the Chief of		
22		21 Police; is that correct?		
23		22 A. Yes.		
24		23 Q. And you became the Chief of Police when?		
25		24 A. 1998.		
		25 Q. How long had you worked in the Powell Police		

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<p>1 Department before then?</p> <p>2 A. I was originally hired in 1981.</p> <p>3 Q. Did you pretty well start out your law enforcement career with Powell?</p> <p>4 A. No.</p> <p>5 Q. Where had you served before that?</p> <p>6 A. I worked for several months on the McGuffey, Ohio Police Department and then for about a year on the Ada, Ohio Police Department.</p> <p>7 Q. And then you came to Powell?</p> <p>8 A. Yes. I had a period of time where I was not working full time, attending school, finishing my bachelor's degree. I did a little bit of part-time work for the Paulding, Ohio Police Department during that time.</p> <p>9 Q. And when you became the Chief of Police, did they have a written job description for your position?</p> <p>10 A. Yes.</p> <p>11 Q. And is it the same job description that they have today?</p> <p>12 A. No.</p> <p>13 Q. Let me hand you what we have marked as an exhibit here somewhere. Well we're off to a roaring start here. Okay. I don't seem to have that exhibit.</p> <p>14 All right. Let me ask you this question:</p>		<p>1 Q. And then your job description would as well; would it not?</p> <p>2 A. My job description would as well.</p> <p>3 Q. All right. And when it comes to making decisions that affect the Powell Police Department regarding everyday decisions concerning how the Powell Police Department officers conduct themselves, that would be you, would it not?</p> <p>4 MR. THOMPSON: Object as to form.</p> <p>5 MS. WESTBY: Join.</p> <p>6 THE WITNESS: That's a pretty broad statement, so I'm not sure what all that would comprehend.</p> <p>7 BY MR. GOSMAN:</p> <p>8 Q. Yeah. Is there anyone in the Powell Police Department or the City of Powell that has authority higher than yours to approve individual police actions?</p> <p>9 MS. WESTBY: Object to the form of the question.</p> <p>10 MR. THOMPSON: Join.</p> <p>11 THE WITNESS: I guess, depending upon the nature and circumstances, it's possible that my direct supervisor, the city administrator, could, yes.</p> <p>12 BY MR. GOSMAN:</p> <p>13 Q. Well, what does the policy say, itself, with</p>	
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<p>1 Are you the final policymaker for the City of Powell Police Department?</p> <p>2 MR. THOMPSON: Objection as to form.</p> <p>3 MS. WESTBY: Join.</p> <p>4 THE WITNESS: What do you mean by final policymaker?</p> <p>5 BY MR. GOSMAN:</p> <p>6 Q. You are the one that is charged with and the top person in the chain of command in developing policy and procedures for the Powell Police Department?</p> <p>7 A. Within the department, yes.</p> <p>8 (Exhibit 52 identified)</p> <p>9 BY MR. GOSMAN:</p> <p>10 Q. All right. And let's go ahead -- and I don't know that we've actually -- we're only going to mark certain sections of what we've identified as Exhibit 52. This is the Powell Police Department's policies and procedures. Could I have you turn to -- oh, it's policy 1.2.01.</p> <p>11 A. Okay.</p> <p>12 Q. And does this set out your authority as the Powell Police Chief with respect to the development of policies and procedures as they pertain to the Powell Police Department?</p> <p>13 A. This is one document that would.</p>		<p>1 regard to your authority relative to your police officers?</p> <p>2 A. This policy?</p> <p>3 Q. Yes. Could you go ahead and read that portion?</p> <p>4 Let's see. Let me just point it out to you.</p> <p>5 This first paragraph under "policy statement."</p> <p>6 A. The first paragraph?</p> <p>7 Q. Yeah. Go ahead.</p> <p>8 A. "The Chief of Police of the City of Powell shall have the authority to adopt policies, procedures, rules and regulations for the effective and efficient administration and management of the agency.</p> <p>9 "All policies, procedures, rules and regulations contained in this manual shall be subordinate to the Powell City Employees Handbook, which is adopted in its entirety, except where noted and approved by the governing body.</p> <p>10 "These policies, procedures, rules and regulations supersede all previous policies, procedures, rules, and regulations and shall have the same authority as those in existence.</p> <p>11 "Policies, procedures, rules, and regulations shall not be canceled, amended, or issued without the approval of and verified by the signature of the Chief</p>	

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<p>1 of Police or, in his absence, the officer designated to 2 act in his behalf."</p> <p>3 Q. Wyoming has annual recertification 4 requirements for each peace officer, does it not?</p> <p>5 A. Yes.</p> <p>6 Q. And what are those recertification 7 requirements?</p> <p>8 A. It requires a certain amount of POST 9 certified hours of training dependent upon the 10 officer's certification level.</p> <p>11 Q. And do you keep a log of each officer's 12 certification with the Wyoming POST?</p> <p>13 A. POST sends us a training summary for every 14 officer on an annual basis.</p> <p>15 Q. And do you retain that documentation?</p> <p>16 A. Yes, it is put in the officer's personnel 17 file.</p> <p>18 Q. Okay. I don't think I've gotten any of the 19 POST certifications for officer training.</p> <p>20 A. Exhibit 31 is those records.</p> <p>21 Q. All right. Well -- all right. What's the 22 minimum number of hours that are required every year 23 for POST recertification?</p> <p>24 A. An officer certified at the level for 25 Professional Peace Officer is required 40 hours of POST</p>		<p>1 may, and ask you if the documents we've identified in 2 Exhibit 35 are the records that reflect in-service 3 training that you've just described?</p> <p>4 MR. THOMPSON: And, Counsel, you've put 5 together these exhibits, and I just want to make clear 6 for the record that I don't think Chief Feathers knows 7 whether or not they are inclusive of all the documents 8 provided to you in discovery.</p> <p>9 MR. GOSMAN: I'm not sure -- I hate to admit 10 this, but --</p> <p>11 MR. THOMPSON: You put together the exhibit 12 book, correct?</p> <p>13 MR. GOSMAN: Yes, I did.</p> <p>14 MR. THOMPSON: And so I don't think he knows 15 whether or not it's inclusive of everything that was 16 provided to you through our office in discovery.</p> <p>17 MR. GOSMAN: Well, and that's always a 18 question. I appreciate that. That's fine.</p> <p>19 MR. THOMPSON: And that would hold true with 20 Exhibit 31. Because I think, as demonstrated today, 21 there was some documents that were missing, and we 22 believe we provided them in discovery.</p> <p>23 MR. GOSMAN: And I don't have any quarrel 24 with that, so I'll accept that.</p> <p>25 MR. THOMPSON: Okay.</p>	
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<p>1 certified training every two years.</p> <p>2 Q. All right. And so the records that you have 3 provided me in Exhibit 31 reflect those POST 4 training -- the POST training coursework for each of 5 the officers involved in this lawsuit; is that true?</p> <p>6 A. Yes.</p> <p>7 Q. Does the Powell Police Department have other 8 training programs?</p> <p>9 A. You mean other than those that would be 10 reflected on that POST training record?</p> <p>11 Q. Yes.</p> <p>12 A. Yes.</p> <p>13 Q. What are they?</p> <p>14 A. There are a number. We have our field 15 training program, which is the new officer orientation 16 training. Do you want a description of that program?</p> <p>17 Q. No, we'll talk about that again in a moment, 18 so let's leave out the new officer -- what is it 19 called, the FTO?</p> <p>20 A. FTO, yes. We have our in-service training, 21 which is going to cover general police officer skills, 22 which is a broad range of things.</p> <p>23 (Exhibit 35 identified)</p> <p>24 BY MR. THOMPSON:</p> <p>25 Q. Let me stop you for just a moment there, if I</p>		<p>1 THE WITNESS: Okay. What's your question 2 about Exhibit --</p> <p>3 BY MR. GOSMAN:</p> <p>4 Q. Yes, my question is: Does this group of 5 documents reflect the in-service training that you had 6 mentioned just a moment ago that was provided by the 7 Powell Police Department?</p> <p>8 A. This will reflect some of it.</p> <p>9 Q. All right. Is there -- and why do you say 10 "some of it"?</p> <p>11 A. Because there's not records here that would 12 document all that has been provided.</p> <p>13 Q. Okay. What kinds of things are missing from 14 this written record?</p> <p>15 A. It doesn't appear that any of the ongoing 16 firearms training records are in here. That's part of 17 our in-service training.</p> <p>18 Q. Do you know whether those records have been 19 kept?</p> <p>20 A. Yes, they have.</p> <p>21 Q. Okay. Have you provided them to your 22 attorneys?</p> <p>23 A. No, I have not.</p> <p>24 Q. Okay. But they are available?</p> <p>25 A. Yes.</p>	

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1 Q. All right. So we have the firearms training  
 2 records that are not part of the document, Exhibit  
 3 No. 35?

4 A. Right.

5 Q. Go ahead.

6 A. There may be individual records kept by  
 7 individual instructors. I don't know if there are, but  
 8 some of them may have their own recordkeeping system  
 9 outside the departments. So in that realm we have,  
 10 obviously, our firearms instructors. We have custody  
 11 control instructors, EVO instructors.

12 Q. What is EVO?

13 A. Emergency vehicle operations, driving,  
 14 vehicle-related items.

15 We have our senior Intoximeter operator, who  
 16 trains on our breath test devices. We have, oh, our  
 17 field training officers, who are involved in your  
 18 ongoing general skills training. But I believe most,  
 19 if not all, of that documentation is going to be in  
 20 Exhibit 35. It looks like that's what those records  
 21 mainly are.

22 Q. Okay.

23 A. We have our less lethal instructor and his  
 24 training.

25 Q. That is who?

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1 Q. Thank you.

2 Okay. So that I understand, and this is an  
 3 area that I do not understand, you do have certified  
 4 instructors that provide training at the Powell Police  
 5 Department, correct?

6 A. Yes.

7 Q. And you just described, for instance,  
 8 Officer Miner, who is certified in less lethal  
 9 munitions, noise flash distraction devices. And what  
 10 was the other?

11 A. Taser.

12 Q. Taser. And when he teaches a course on this  
 13 subject, does he keep a log or record of the attendees?

14 A. Yes.

15 Q. And are these courses POST qualified?

16 A. Not all of them.

17 Q. All right. What's the difference between  
 18 those that are and those that aren't?

19 A. For POST to certify and provide training,  
 20 they have certain requirements that some of our  
 21 in-service training doesn't meet, just things like  
 22 duration. It has to be a minimum number of hours.

23 Well, if we schedule a one or  
 24 two-hour-duration in-service training session, that may  
 25 not meet their standards for that. It used to be four

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1 A. Officer Miner. That would include less  
 2 lethal impact munitions, NFDDs and taser.

3 Q. So it does include noise distraction devices,  
 4 then?

5 A. Yes.

6 Q. Less lethal munitions?

7 A. Yes.

8 Q. And, of course, I think it's clear that  
 9 Officer Miner was certified in that area after this  
 10 event, which is the 24th of February, 2009?

11 A. Yes, he was certified as an instructor after  
 12 this event.

13 Q. All right. By the way, somebody was going to  
 14 get me Officer Miner's notebook, and I would like to  
 15 have that before I leave this week, if I could. And  
 16 that's the course materials for his DEF-TEC  
 17 certification.

18 MS. WESTBY: It's a big notebook. I mean, I  
 19 don't know that we're going to be able to get it copied  
 20 by the time we leave.

21 BY MR. GOSMAN:

22 Q. Okay. You'll get that copied to me as soon  
 23 as you can.

24 A. I'll see if we can get it done before you  
 25 leave.

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1 hours. They have changed it. I don't know what it is  
 2 now. It's less than that, but I don't know. I don't  
 3 remember.

4 It could also be, for instance, our annual  
 5 firearms qualification, just an ongoing type of  
 6 qualification. They won't accept that for credit. So  
 7 it kind of -- some of the in-service training we do  
 8 because of its brevity or repetitive nature may not be  
 9 certified or eligible for certification.

10 We have some that probably is, but we just  
 11 haven't submitted the paperwork on it and had it  
 12 certified.

13 Q. Okay. Do you have a record of these  
 14 certified training -- or these training exercises that  
 15 are conducted by your certified trainers?

16 A. Some of them.

17 Q. Okay. And by way of saying that, are you  
 18 saying that you simply didn't keep the records for some  
 19 of the other training sessions?

20 A. Some of it is going to depend on what type of  
 21 training it was and when it was, whether or not we had  
 22 a recordkeeping system in place for it.

23 Q. Has the recordkeeping system in place changed  
 24 within the last couple of years?

25 A. It has been evolving since about 2005.

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1 Q. And at the time of the Wachsmuth warrant  
 2 service, February of 2009, were your certified trainers  
 3 keeping a log of their courses and the attendees?

4 A. The condition of those records at that time  
 5 is reflected in Exhibit 35.

6 Q. All right. So Exhibit 35 is the complete  
 7 collection of your in-service training, including the  
 8 certified training provided by -- or, I'm sorry, the  
 9 training provided by your certified officers?

10 A. Again, not all of it. For instance, I  
 11 noticed our firearms training records aren't in here.

12 Q. Yes, I see.

13 A. Okay. So -- and, again, there could have  
 14 been records, apart from department records, that the  
 15 instructors kept that is not a part of this exhibit as  
 16 well. That was up to the individual instructor if they  
 17 chose to keep records beyond what the department was  
 18 doing.

19 Q. So did some of these instructors, then, hold  
 20 classes that weren't part of something that was  
 21 officially a department training exercise?

22 A. No.

23 Q. I didn't quite understand what you said just  
 24 a moment ago about the records not -- some of the  
 25 records being not handed over to the police department?

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1 A. What I'm saying is that at different times  
 2 there were different forms of recordkeeping  
 3 requirements that we had in place, an instructor would  
 4 meet that. But an instructor may choose to keep  
 5 records of his own in addition to that.

6 Q. I see. Thank you. All right.

7 A. He, personally. That he was not being  
 8 required to keep by the department. Whether or not  
 9 they have any of those, I don't know. I know off and  
 10 on over the years that's been the practice of some  
 11 instructors but not of others.

12 Q. And prior to February of 2009, did the  
 13 department have a policy or a custom for retaining at  
 14 least a list of attendees in the training that was  
 15 provided by certified instructors?

16 A. When that training started -- when our  
 17 records keeping system kind of began and began this  
 18 evolution of development in '05, it began with a  
 19 training calendar, which showed training topics and  
 20 dates. It progressed to then documenting that  
 21 information plus who the instructor was and maybe  
 22 supporting documentation or materials they used in the  
 23 training.

24 Then, you know, looks like about '06,  
 25 expanded to include a bit more particulars regarding

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1 the subject matter of the training beyond the general  
 2 topic or title. And looks like it stayed pretty much  
 3 that way through about '08.

4 And then in -- I don't remember if it was  
 5 January of '09 or January of '10, that included  
 6 training rosters of who was in attendance.

7 Q. All right. So the records that we have in  
 8 Exhibit 35 are complete, based on the recordkeeping  
 9 requirements of the time period involved?

10 A. Yes.

11 Q. Now, we've heard some considerable discussion  
 12 over the last few days about training that was  
 13 undocumented that occurred specifically relative to  
 14 dynamic entry. And you've heard that testimony,  
 15 correct?

16 MS. WESTBY: Object to the form of the  
 17 question. That misstates the testimony.

18 MR. THOMPSON: Join.

19 THE WITNESS: I have heard officers'  
 20 testimony regarding their training, yes.

21 BY MR. GOSMAN:

22 Q. All right. And I don't really care a whole  
 23 lot about their training other than what pertains to  
 24 dynamic entry and the various features of a dynamic  
 25 entry.

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1 What I would like to know from you, Chief,  
 2 is: What is the training program for providing this  
 3 specific form of training to the Powell police  
 4 officers?

5 A. For clarification, let me restate your  
 6 question.

7 Q. Yeah.

8 A. You want to know what ongoing training in the  
 9 area of dynamic entry the Powell Police Department  
 10 provides for its officers?

11 Q. Right, yes.

12 A. Okay. We've had Countermeasures Tactical  
 13 Institute come in 2005 and deliver a block of training  
 14 for us. After that training, we were incorporating  
 15 into our in-service training periodic -- I don't know  
 16 if you want to call it practice, drills, exercises,  
 17 reviews of that subject matter.

18 Q. Let's go back to the Patrol Tactic Response  
 19 Program that was put on. Apparently, Countermeasures  
 20 Tactical Institute came to the Cody area?

21 A. They came to Powell.

22 Q. Powell. Did you ask all of the Powell police  
 23 officers to attend this program?

24 A. All of our officers attended the program that  
 25 were with us at that time.

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1 Q. All right. Was that a mandatory program?  
 2 A. Yes.  
 3 Q. And did you have this training with the idea  
 4 in mind that you would assemble a team, some kind of  
 5 tactical response team, not necessarily a SWAT team,  
 6 but at least a special operations team with the Powell  
 7 Police Department?  
 8 A. No.  
 9 Q. Did you -- you attended this course as well,  
 10 did you not?  
 11 A. Yes.  
 12 Q. And did you understand that this course was  
 13 to provide a level of tactical training that was not  
 14 equal to that that would be afforded to a true SWAT  
 15 team?  
 16 A. Yes.  
 17 Q. And did you understand that there were  
 18 activities that could be conducted below at the level  
 19 of a SWAT team with additional training?  
 20 MS. WESTBY: Object to the form of the  
 21 question.  
 22 THE WITNESS: What do you mean by activities?  
 23 BY MR. GOSMAN:  
 24 Q. I mean by activities, critical events such as  
 25 high-risk warrant service. And I'll stop there since

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1 Q. And beyond that, the training that has  
 2 occurred relative to that basic skill level has been  
 3 in-house by the Powell Police Department up until, at  
 4 least, November -- February of 2009?  
 5 MR. THOMPSON: Objection as to form.  
 6 MS. WESTBY: Join.  
 7 THE WITNESS: Most of it would have been  
 8 conducted in-house.  
 9 BY MR. GOSMAN:  
 10 Q. Had there been any other POST training made  
 11 available to the Powell police officers to upgrade  
 12 their basic skill level in this area since 2005 and  
 13 before February of 2009?  
 14 A. Individual officers may have had opportunity  
 15 to attend training that would accomplish that, but  
 16 without reviewing each of their POST records, I  
 17 couldn't tell you.  
 18 Q. I think we've already gone over everybody's  
 19 POST record, except for the last deponent. I didn't  
 20 have his. So we -- I'm not going to go through that  
 21 exercise.  
 22 The record speaks for itself, correct, the  
 23 POST records for those officers?  
 24 A. Well, they have been questioned regarding  
 25 their POST record, and that would be reflected in the

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1 that's the only one we're interested in.  
 2 A. Yes.  
 3 Q. So if you didn't have a SWAT team but you  
 4 were a small rural police department, you could develop  
 5 a substitute for a SWAT team that would, with  
 6 additional training, be able to perform that  
 7 function --  
 8 MS. WESTBY: Object to the form.  
 9 BY MR. GOSMAN:  
 10 Q. -- dynamic entry and warrant service?  
 11 MS. WESTBY: Object to the form of the  
 12 question.  
 13 MR. THOMPSON: Join.  
 14 THE WITNESS: I want to kind of restate my  
 15 answer on that.  
 16 BY MR. GOSMAN:  
 17 Q. Yes.  
 18 A. I was seeking to provide to the officers of  
 19 the Powell Police Department a level of training that  
 20 would equip them to conduct those functions when we  
 21 needed to.  
 22 Q. All right. Was this the first step or was  
 23 this the beginning and the end of that training effort?  
 24 A. The purpose of the Countermeasures course in  
 25 2005 was to establish the basic skill level.

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1 record of their deposition, yes.  
 2 Q. Have Powell Police Department officers been  
 3 involved in joint training exercises with other  
 4 agencies here in the area?  
 5 A. Yes.  
 6 Q. And are those training exercises documented?  
 7 A. Well, I know some of them are. I don't know  
 8 if all of them are.  
 9 Q. And which agencies have Powell Police  
 10 Department officers participated in with other  
 11 agencies?  
 12 A. Park County Sheriff's Office, Cody Police  
 13 Department, Wyoming Highway Patrol. I'm not sure about  
 14 Wyoming Game and Fish officers. And I'm not sure about  
 15 DCI agents.  
 16 Q. All right. Let's limit that question to  
 17 dynamic entry tactics. Which agencies have Powell  
 18 police officers been involved in joint training?  
 19 A. Well, Park County SO and Cody PD both sent  
 20 officers to the Countermeasures training both times we  
 21 hosted it here.  
 22 Q. Countermeasures training, and that would have  
 23 been -- yes, I understand that's the 2005 session. And  
 24 then the one that occurred in 2009, correct?  
 25 A. Yes.

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1 Q. All right. 2 A. I know we have sent several officers over to 3 Cody when they hosted joint training. Our TFOs -- 4 well, not just our TFOs, any officer we've sent to the 5 DCI drug investigation school has some training on 6 warrant service with the DCI in that school. Officers 7 we've sent to the DEA, Drug Investigation School, 8 likewise, get training in that school. 9 Q. Let's stop there. Which -- do you know of 10 any officers that have gone to that school prior to 11 2009, so February of 2009? 12 A. Anyone who would have been assigned to the 13 team as a TFO went through that. 14 Q. Who all has been assigned to the team? Let's 15 go back to starting in 2005. 16 A. Well, let me work my way back. That might be 17 the easiest way for me to remember. 18 Currently, Mike Hall is assigned to the team, 19 he has been since July of 2009. Prior to that was 20 Officer Chad Glick. And I don't remember if his was a 21 two or three-year term. 22 Prior to that was Officer Bret Lara. I think 23 his was a two-year term. Prior to that was Officer 24 Juliet Wardwell. And I think prior to that was 25 Sergeant Alan Kent. That's going to take you back well	1 they provide on general police skills documented in the 2 in-service training records of Exhibit 35? 3 A. Yes, that is primarily what is documented 4 there. 5 Q. Now, Officer -- was it Chapman that we just 6 heard from, or Bradley? The last officer that we 7 deposed? 8 A. Officer Chapman was the last one before me. 9 Q. All right. Okay. Thank you. 10 He testified that he had been involved in 11 training exercises involving room clearing and other 12 dynamic entry techniques at the -- at some schools here 13 in Powell and perhaps in Cody. You heard him testify 14 to that? 15 A. Yes. 16 Q. What was that about? 17 A. Part of the in-service training that was 18 provided during this timeframe included training on 19 entry and room clearing. And when we could get 20 buildings available to us to do that, we would make use 21 of them. 22 Schools. The school district will commonly 23 make their buildings available to us for training 24 purposes because it's obviously mutually beneficial for 25 them to have us regularly training in their facility if		
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1 before 2005. 2 Q. Yes. And did each one of those TFOs train 3 with the DEA? 4 A. I believe they did. Again, without looking 5 at their POST record to verify it, I couldn't be 6 certain. But I know that DCI drug school and the DEA 7 school was kind of considered to be a basic level of 8 training they would receive when they took that 9 assignment. 10 Q. And those schools are reflected in the POST 11 records? 12 A. Those would be in their POST records. 13 Q. All right. Does the field training program 14 apply to officers once they have made it past the 15 probationary period? 16 A. The FTO program, by that terminology, what we 17 understand as the FTO program, is the initial officer 18 orientation training, which is a 14 week program, which 19 is their first 14 weeks of employment here. 20 So, no, once they complete that program, it 21 is not something they redo. However, our field 22 training officers, who train in that program as part of 23 their ongoing training responsibilities, do provide 24 in-service training on general police skills. 25 Q. Okay. And is that in-service training that	1 they have a crisis there. 2 So the new high school they moved into in -- 3 it was either August of '08 or August of '09. I 4 believe it was August of -- I don't remember, it was 5 one or the other. When they made that transition and 6 moved out of the old high school, right before they 7 did, they allowed us to use that for a training 8 exercise. 9 And, in fact, we did that jointly with their 10 staff on a staff day over there where there were no 11 students in the facility. 12 And then before they moved into the new high 13 school, we held a full-scale exercise with fire, EMS, 14 and law enforcement at the new high school. 15 Also, they built a new Southside school. 16 This is the third year they have been in it, so they 17 would have moved into that in '08. 18 And when they vacated the old Southside 19 school, they made it available to us to do training 20 in -- limited training because they're now using the 21 facility again. 22 We weren't allowed to breach doors or 23 discharge flashbangs or anything like that in the 24 building, but we were able to go in and practice room 25 clearing and entry. And that was done both at the		

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<p>1 level of what is documented in the in-service training 2 as well as at the squad level, which is not documented 3 in this in-service training; whereas, sergeants had 4 opportunities with their squads, they could just take 5 their squad and go train.</p> <p>6 That training might be -- might be 30 7 minutes, it might go a couple hours, depending on what 8 they wanted to focus on in the training in their squad. 9 That is the training that is probably not documented 10 anywhere.</p> <p>11 Q. How big are the squads?</p> <p>12 A. When they are on the full staff, a squad will 13 encompass a sergeant and three officers.</p> <p>14 Q. Can you refer me to any place in Exhibit 35 15 where any of these school training exercises were 16 conducted?</p> <p>17 A. No, the documentation isn't sufficient for me 18 to identify that.</p> <p>19 Q. Let's take a minute and talk about the 20 officers with the Powell Police Department that were 21 certified in areas relative to dynamic entry prior to 22 February of 2009.</p> <p>23 A. And define what you mean by certified.</p> <p>24 Q. Well, we know, for instance, that 25 Officer Miner obtained a certificate when he went to</p>		<p>1 our instructional staff -- firearms instructors have 2 been heavily involved in it, but not just firearms 3 instructors -- to then continue to drill and train our 4 folks on those tasks that were taught by 5 Countermeasures.</p> <p>6 In the '09 training, we took that a step 7 further, asked the training provider to identify those 8 that showed strength in those skill areas and then work 9 with them on how to develop and oversee training 10 exercises, and those people have been the ones 11 responsible for that since then.</p> <p>12 Q. And those people are not -- they haven't 13 received certificates from any agency that confirms 14 that they have completed a certain level of skill and 15 training in order to teach these -- this material; is 16 that correct?</p> <p>17 A. That's right.</p> <p>18 Q. All right. Does the Powell Police Department 19 have a memorandum of understanding -- memorandum of 20 agreement with the Park County Sheriff's Office and 21 other agencies in this area?</p> <p>22 A. We have no written, standing mutual aid 23 agreements as defined by state statute. There was a 24 memorandum of understanding regarding just general 25 cooperation that was developed a number of years ago.</p>	
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<p>1 the NFDT class in Casper. And we know, for instance, 2 that SWAT teams have internal procedures for certifying 3 their instructors. And so I'm referring to any 4 certification process that would convey some 5 certificate of authority or a level of training that 6 would qualify a person to teach the course that he's 7 teaching.</p> <p>8 MR. THOMPSON: Objection as to form.</p> <p>9 BY MR. GOSMAN:</p> <p>10 Q. In other words, something either from the 11 place where the course was conducted, from an agency, 12 or perhaps if you had internal policies that 13 established certification procedures, that would work.</p> <p>14 MR. THOMPSON: Objection as to form.</p> <p>15 MS. WESTBY: Join.</p> <p>16 THE WITNESS: There is no standardized 17 instructor's certification for dynamic entries.</p> <p>18 BY MR. GOSMAN:</p> <p>19 Q. Per se?</p> <p>20 A. Per se, given out by any issuing authority 21 that I am aware of.</p> <p>22 Q. All right. I'll go along with that.</p> <p>23 A. What we have done -- and, again, it's been an 24 evolving process -- is bringing in Countermeasures to 25 provide the base level of instruction and then using</p>		<p>1 It's general and nonspecific. It just essentially says 2 we're going to cooperate and help one another out when 3 we need it.</p> <p>4 Q. So let me go ahead and hand you what we've 5 marked as Exhibit 49. You're familiar with the NTOA, 6 are you not?</p> <p>7 A. I am familiar with NTOA.</p> <p>8 Q. That's Exhibit 39. But it's marked as 9 Exhibit 49. And we're going to have to switch that 10 page out before we go anywhere with this.</p> <p>11 A. I see we already have an Exhibit 39 in the 12 book, if that matters.</p> <p>13 Q. What is it? The Brown supplement, I'll bet.</p> <p>14 A. It is the Brown supplement.</p> <p>15 MR. GOSMAN: Let's go off the record. (Discussion held off the record.) (Exhibit 38 identified)</p> <p>16 MS. WESTBY: Where did this document come from?</p> <p>17 MR. GOSMAN: This document came from the National Tactical Officers Association.</p> <p>18 MS. WESTBY: Is this another document that we're just getting at the last minute?</p> <p>19 MR. GOSMAN: Yes, it is.</p>	

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<p>1 MR. THOMPSON: And, for the record, I'd note 2 I went back and looked at my discovery request -- 3 MR. GOSMAN: Wait a minute. I think I 4 supplied this to you the very first time we came up 5 here in October as one of the deposition exhibits. 6 MS. WESTBY: No. 7 MR. GOSMAN: Did I not? Maybe I didn't. I 8 can't say for sure. We don't have to have this on the 9 record. 10 MR. THOMPSON: I did want to note for the 11 record that the discovery request that was sent to you, 12 that you responded to, did ask for photos and you 13 didn't provide any and didn't supplement the record. 14 MR. GOSMAN: Well, we didn't have any either. 15 MR. THOMPSON: Okay. 16 MR. GOSMAN: All right. 17 MR. THOMPSON: Until yesterday. 18 MR. GOSMAN: Yes. 19 MS. WESTBY: And so I'm assuming that you had 20 this document since the last time we were up here in 21 depositions and -- 22 MR. GOSMAN: Yes, that's true. 23 MS. WESTBY: -- and it wasn't provided. 24 MR. GOSMAN: That's true. All right. 25</p>		<p>1 allow him to answer questions about it without having 2 had the opportunity to review it. 3 MR. GOSMAN: Well, we're only going to make 4 reference to one or two pages in the entire document. 5 BY MR. GOSMAN: 6 Q. Take the opportunity to read the page that 7 you're on and the page next to it and then we'll go 8 ahead and spend a minute talking about it. 9 MR. THOMPSON: And I'd join in that 10 objection. And I'd also state the document speaks for 11 itself so reading it into the record is just a waste of 12 time. 13 MS. WESTBY: You can go ahead and read the 14 pages and then we'll see whether we proceed. 15 So you're telling him to read pages 2 and 3? 16 MR. GOSMAN: Yes. 17 I'm going to withdraw the document as an 18 exhibit. Any references we make we'll just read into 19 the record. There are only a couple. So 38 is no 20 longer 38. 21 THE WITNESS: Do we have a question pending? 22 MR. GOSMAN: No. 23 THE WITNESS: Then I would like to take a 24 break and discuss this with the two of you. 25 MR. THOMPSON: Okay.</p>	
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<p>1 BY MR. GOSMAN: 2 Q. Let's see. Officer, did you find page 2? 3 A. I did. 4 Q. First of all, do you recognize the National 5 Tactical Officers Association as an association that 6 has expertise in the area of SWAT standards? 7 MR. THOMPSON: Objection as to form. 8 MS. WESTBY: Join. 9 THE WITNESS: I've heard of them. I'm not 10 that familiar with them. That is what I understand 11 them to be, though. 12 BY MR. GOSMAN: 13 Q. Okay. Right now we're focused on memorandums 14 of agreements as they pertain to SWAT teams. And I'd 15 like you, if you could, to read into the record the 16 paragraph that begins "The primary characteristic of 17 SWAT." 18 MS. WESTBY: And, I mean, I don't understand 19 the purpose of this. But I'm not going to -- you know, 20 we haven't had the opportunity -- this witness hasn't 21 had the opportunity to read this document. It appears 22 to be approximately -- oh, about 60, 70 pages in 23 length. 24 So, you know, I don't know what you're 25 planning on asking about this, but I'm not going to</p>		<p>1 MR. GOSMAN: Fine. 2 (Recess taken 3:58 p.m. to 3 4:09 p.m., November 23, 2010) 4 BY MR. GOSMAN: 5 Q. Okay. Officer, would you read in that 6 paragraph that I think I previously mentioned, on 7 page 2, starting with "The primary characteristics of 8 SWAT" to the end of that page. 9 MS. WESTBY: And I guess I'm going to object 10 to him reading in something from this document. We 11 were not provided this document until a couple of 12 minutes ago. You know, he's not offering any testimony 13 about it. So I don't understand the purpose of reading 14 in a portion of it. 15 MR. GOSMAN: Okay. Well, unless you're 16 instructing him not to answer, I want him to read in 17 that paragraph, and then I have a couple questions to 18 ask him about it. 19 MS. WESTBY: Then I want it to be noted that 20 he has no position on what you're having him read, that 21 he's simply reading out of a document that was not 22 produced, as it should have been, in discovery but was 23 produced a couple minutes ago. 24 MR. GOSMAN: Okay. All right. 25</p>	

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1 BY MR. GOSMAN:

2 Q. With that in mind, Officer, could you go  
3 ahead and read that paragraph starting with "The  
4 primary characteristic"?

5 MS. WESTBY: Go ahead.

6 THE WITNESS: "The primary characteristic of  
7 SWAT that distinguishes it from other units is the  
8 focus of efforts. SWAT teams are focused on tactical  
9 solutions as opposed to other functions, such as  
10 investigation. The purpose of SWAT is to increase the  
11 likelihood of safely resolving critical incidents.

12 "Nothing in these standards is intended to  
13 preclude agencies from utilizing specially-trained  
14 units in areas such as narcotics investigations, felony  
15 apprehension, and other tasks. However, agencies which  
16 don't have their own SWAT teams and, instead, utilize  
17 specially-trained units shall have a memorandum of  
18 agreement with a SWAT team that meets these standards.

19 "The agreement shall specify that the SWAT  
20 team is the designated agency to handle SWAT-specific  
21 incidents and that the specially-trained units shall  
22 only engage in the following operations until the  
23 arrival of the SWAT team: One tactical command; two,  
24 containment; three, emergency action.

25

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1 BY MR. GOSMAN:

2 Q. All right. And my question is: Do you have  
3 any kind of -- in your memorandum of understanding,  
4 which I believe you've indicated does exist between  
5 your agency and the Park County Sheriff's Office, that  
6 they will supply services with their specially-trained  
7 unit for the Powell Police Department?

8 A. I don't know. I'd have to look at it.

9 Q. If it's there, it's there; is that what  
10 you're saying?

11 A. I'm saying I don't know. I'd have to look at  
12 it.

13 Q. Okay. All right. I'll make a request to  
14 produce that document.

15 A. And I would like to add, to point back to my  
16 earlier testimony, I really don't know if that document  
17 even is still in force and effect. It's been that long  
18 ago.

19 Q. All right. So in the absence of whatever is  
20 contained in the memorandum of understanding, you don't  
21 have an agreement with the Park County Sheriff's Office  
22 to use their special tactics unit in situations that  
23 call for that?

24 MS. WESTBY: Object to the form of the  
25 question. Misstates the testimony.

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1 MR. THOMPSON: Join.

2 THE WITNESS: What do you mean by their  
3 special tactics unit?

4 BY MR. GOSMAN:

5 Q. Well, I think they call it an SCG. And I'm  
6 not sure now what SRG meant. But they've got an SRG  
7 team, which is a tactical team at the Park County  
8 Sheriff's Office. You're aware of that, are you not?

9 A. I'm aware they have a group that they refer  
10 to as the SRG.

11 Q. All right. And my question is simply: Do  
12 you have any kind of understanding or agreement with  
13 them to use that team if you need to call upon those  
14 resources?

15 MR. THOMPSON: Objection as to the form.

16 MS. WESTBY: Join.

17 THE WITNESS: There is no written agreement  
18 that specifies that.

19 BY MR. GOSMAN:

20 Q. All right. Is there an understanding between  
21 your agency and theirs concerning the use of that team?

22 A. What do you mean by understanding?

23 Q. Well, something short of an agreement, but  
24 nevertheless, an arrangement that if you need the SRG  
25 team from the Park County Sheriff's Office, they will

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1 respond if possible?

2 A. Are you talking in writing?

3 Q. No, I'm not really. I'm talking just an  
4 understanding between your agency and theirs that if  
5 you need to access their SRG unit that they will make  
6 it available.

7 A. I don't know.

8 Q. Has the memorandum of understanding been --  
9 it's something that apparently may not even be in force  
10 at this time; is that true?

11 A. Yes.

12 Q. Was it an annual agreement, do you know?

13 A. No. It's just been long enough ago since we  
14 signed it and it hasn't been revisited by the agency  
15 administrators in a number of years. I have no idea  
16 what the Park County sheriff or the Cody police chief  
17 think of it, how they view it, or whether or not they  
18 still consider it to be in force and effect.

19 Q. Okay. Let's go back to Exhibit 52 for just a  
20 moment, and that is the policy and procedures manual.

21 And, let's see. I notice that there is a  
22 place at the top of each one of these policies for the  
23 signature of the authorized person.

24 A. And it's not signed, which is fine with me,  
25 but are you the authorized person that would sign that

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1 policy, the official policy?  
2 A. Yes.  
3 Q. With regard to the POST training records of  
4 the officers -- I made note, and I believe it's  
5 documented in Exhibit 31, that neither -- and I think  
6 the testimony will witness this -- confirms this, that  
7 neither Officer Brilakis or Officer Hall were involved  
8 in the 2005 patrol tactics course and that neither of  
9 them have any tactical training in POST-certified  
10 tactical training in dynamic entry tactics. And I want  
11 you to confirm that. But I'm going to ask you if  
12 that's true.

13 MS. WESTBY: And, again, I object to the form  
14 of the question. Misstates the testimony.

15 MR. THOMPSON: Join.

16 THE WITNESS: No, it's not true.

17 BY MR. GOSMAN:

18 Q. It's not true, okay. And it may not be true.  
19 Let's go ahead and take a look at Hall's records in  
20 Exhibit 31. Okay. It's Document 1 now. I assume  
21 you're there.

22 (Exhibit 31 identified)

23 BY MR. GOSMAN:

24 Q. Go ahead and take a look at those records.  
25 And, again, I will say this, that it is clear that

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1 Wyoming POST training record.  
2 BY MR. GOSMAN:  
3 Q. Okay. All right. Let's go ahead and take a  
4 peek at his Florida training record.  
5 A. I don't know if I would be able to tell by  
6 title from a Florida training record what the content  
7 of that was. So as long as you're aware of that.  
8 Q. Okay. So Officer Hall did take a drug -- was  
9 it a drug investigations course in Riverton, Wyoming?

10 A. Yes.

11 Q. And who put that on?

12 A. Wyoming Division of Criminal Investigation.

13 Q. DCI. And it's your understanding that that  
14 program does include warrant service with room  
15 clearing?

16 A. Yes.

17 Q. Do you know what percentage of the course  
18 that room clearing constitutes?

19 A. No.

20 Q. All right. Let's go to Exhibit 29 if we  
21 could for a moment. And can you tell me what this  
22 course is?

23 (Exhibit 29 identified)

24 THE WITNESS: This is the lesson plan for the  
25 tactical training provided to Powell police officers

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1 Officer Hall has had a course since February of 2009,  
2 and that was your immediate action patrol course.

3 But prior to that, I don't see anything in  
4 his record that indicates that he had any tactical  
5 training, POST certified tactical training.  
6 A. 8/8/2008, 40 hours' drug investigations,  
7 Riverton, Wyoming. That's the DCI drug school in which  
8 they trained on warrant service, including entry and  
9 clearing. And that is POST certified training and it  
10 is on his record. And the subjects were covered as a  
11 part of that training.

12 Q. Okay. Well, let's go to Officer Brilakis,  
13 then. We have his POST records as the first document.

14 By the way, I believe that's 31A, so it's at  
15 the end of the group of documents.

16 Do you see anything in his POST records? He  
17 didn't --

18 A. I do not see anything --

19 MS. WESTBY: No, that's absolutely not true.

20 MR. GOSMAN: That's true -- well, it's not --  
21 I don't know whether it's true or not. I shouldn't  
22 say.

23 MS. WESTBY: It's completely untrue,  
24 completely misstates his testimony.

25 THE WITNESS: I do not see anything in his

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1 from December of 1991 through about 2001.

2 BY MR. GOSMAN:

3 Q. Have you updated this course and continued to  
4 provide it to the Powell Police Department officers?  
5 A. This training was superseded by the  
6 Countermeasures training.

7 Q. Well, let's go ahead and go through this  
8 document.

9 Have you -- did you participate in the  
10 creation of this document?

11 A. I was its original author.

12 Q. All right.

13 A. I should say I was one of its original  
14 authors.

15 Q. Let's go ahead and start on -- it's page 5 of  
16 this document. We have the definition of a critical  
17 incident at the top of the page.

18 Could you just generally describe for me what  
19 a critical incident is?

20 MS. WESTBY: Object to the form of the  
21 question. He told you that this was superseded by  
22 another training. So I'm wondering if you're asking  
23 him based on this document or based on his  
24 understanding.

25 MR. GOSMAN: What difference does that make?

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<p>1 I want to know how he describes a critical incident.</p> <p>2 MS. WESTBY: From this document or just from</p> <p>3 his general understanding?</p> <p>4 BY MR. GOSMAN:</p> <p>5 Q. From your general understanding, what is a</p> <p>6 critical incident?</p> <p>7 A. For me, a critical incident would be any kind</p> <p>8 of an incident where there would be a high degree of</p> <p>9 risk to life safety or potentially even widespread</p> <p>10 property damage.</p> <p>11 Q. All right. And under paragraph -- let me ask</p> <p>12 this question: Do you include the Wachsmuth warrant</p> <p>13 service in that definition that you've just given me?</p> <p>14 A. I would include high-risk warrant service in</p> <p>15 that definition.</p> <p>16 Q. All right. And let's go to paragraph B. And</p> <p>17 I'd like you to go ahead and read into the record</p> <p>18 paragraph B1 from this training manual.</p> <p>19 A. "It would take a fully trained SWAT or</p> <p>20 hostage rescue team to deal with many of these. As an</p> <p>21 agency, we cannot justify a SWAT team by these types of</p> <p>22 activities being commonly present here or by budgetary</p> <p>23 means as SWAT teams require a great amount of training</p> <p>24 time."</p> <p>25 Q. And then paragraph No. 3.</p>		<p>1 of the weapon and observe the hands of the suspect.</p> <p>2 This would be the position you would be in while you</p> <p>3 were commanding or taking into custody.</p> <p>4 The other is a ready position which involves</p> <p>5 the rifle shouldered, the muzzle depressed to</p> <p>6 approximately a 45-degree angle, so it's out of your</p> <p>7 line of view but where it can be rapidly employed and</p> <p>8 placed on target.</p> <p>9 The third is called an inside ready with the</p> <p>10 butt of the rifle in the shoulder. The weapon is --</p> <p>11 muzzle of the weapon is depressed straight down at the</p> <p>12 ground, which will usually require you to rotate the</p> <p>13 rifle at the inside so that the muzzle is pointing</p> <p>14 straight down.</p> <p>15 Depending on the circumstances, any one of</p> <p>16 those three positions would be appropriate.</p> <p>17 Q. Okay. And then on page 13 of this document,</p> <p>18 we are talking about covert entry and search tactics.</p> <p>19 And at paragraph B1 on page 13 there's a small</p> <p>20 statement there about search tactics, and I'd like you</p> <p>21 to read that into the record, please. It's B1.</p> <p>22 A. "Covert entry is low key. It is not rush in,</p> <p>23 shoot 'em up. A situation arrives where you need a</p> <p>24 dynamic entry, back up, secure outer perimeter and call</p> <p>25 qualified SWAT team."</p>	
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<p>1 A. "You will also notice that in those areas</p> <p>2 that will require SWAT or hostage rescue capability to</p> <p>3 resolve the problem, we will need to initially respond,</p> <p>4 contain, and initiate the law enforcement response</p> <p>5 before turning it over to those fully trained to</p> <p>6 resolve the situation."</p> <p>7 Q. Let me ask you this question: I believe this</p> <p>8 training program discusses room clearing tactics. And</p> <p>9 how would you characterize the weapon position that</p> <p>10 should be employed by officers who are carrying out</p> <p>11 room clearing tactics in high-risk warrant service</p> <p>12 situations?</p> <p>13 A. My understanding of the currently accepted</p> <p>14 procedure?</p> <p>15 Q. Yes, that's fine. Well, I mean, the</p> <p>16 currently accepted procedure as of the 24th of</p> <p>17 February, 2009.</p> <p>18 A. It has not changed since then.</p> <p>19 Q. All right, fine.</p> <p>20 A. There's going to be three potential weapon</p> <p>21 positions. One is called the universal cover mode,</p> <p>22 which would involve pointing the weapon at an</p> <p>23 identified threat. The safety will be off, the finger</p> <p>24 will be outside the trigger guard, the muzzle of the</p> <p>25 weapon will be low enough for you to see over the top</p>		<p>1 Q. What does it mean if the situation is hot?</p> <p>2 A. I don't see what you're talking about.</p> <p>3 Q. That's on paragraph 3 just down below, "If</p> <p>4 situation is hot." Is that an active shooter</p> <p>5 situation, do you suppose?</p> <p>6 A. I don't know.</p> <p>7 Q. All right. Paragraph 2 deals with evaluating</p> <p>8 the situation. Why don't you take just a minute and</p> <p>9 read that into the record, please.</p> <p>10 A. "Evaluate situation, Sub A, do you need to</p> <p>11 have the outer perimeter secure? In parenthesis "set</p> <p>12 up."</p> <p>13 Sub B, is it hot?</p> <p>14 Sub C, is it routine open door?</p> <p>15 Sub D, is it feasible to call out several</p> <p>16 more officers?</p> <p>17 Q. All right. These paragraphs attempt to</p> <p>18 document the kind of evaluative process that you would</p> <p>19 want to go through in any situation where you're</p> <p>20 considering dynamic entry, correct?</p> <p>21 MS. WESTBY: Object to the form of the</p> <p>22 question.</p> <p>23 MR. THOMPSON: Join.</p> <p>24 MS. WESTBY: You're asking him questions</p> <p>25 about a document that he has already told you --</p>	

<p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1           MR. GOSMAN: We've decided that --          2           MS. WESTBY: -- has been superseded.          3           MR. GOSMAN: -- superseded? I don't know          4 about superseded. You've mis-stated the evidence. In          5 any event, I just want an answer.</p> <p>6           THE WITNESS: I said this is a lesson plan of          7 a training curriculum that has been superseded by the          8 Countermeasures training that was provided in the          9 beginning of --</p> <p>10          THE REPORTER: I'm sorry. I'm sorry. I lost          11 you.</p> <p>12          THE WITNESS: This is a lesson plan that was          13 superseded by training provided by Countermeasures          14 Tactical Institute beginning in 2005.</p> <p>15 BY MR. GOSMAN:</p> <p>16          Q. Well, we'll get to that in a minute. But are          17 you saying these materials are completely outdated?          18          A. Much of this material is outdated.</p> <p>19          Q. All right. Well, is that particular          20 paragraph outdated?</p> <p>21          A. As regards to what?</p> <p>22          Q. Evaluating the situation.</p> <p>23          MR. THOMPSON: Objection as to form.</p> <p>24          MS. WESTBY: Join.</p> <p>25          THE WITNESS: Do you mean evaluating the</p>	<p>Page 49</p> <p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1           outdated.          2           MS. WESTBY: He told you this entire          3 lesson --          4           MR. GOSMAN: I don't care to argue with you          5 about it.</p> <p>6           MS. WESTBY: He told you this entire lesson          7 plan was superseded by the other document.</p> <p>8           MR. GOSMAN: Well, you know, the Bible has          9 been translated more than once, too. That doesn't mean          10 it's been superseded. I just want to know from the          11 officer. Thank you.</p> <p>12          Page 5.</p> <p>13          MS. WESTBY: You're ridiculous.</p> <p>14          THE WITNESS: So what's your question?</p> <p>15 BY MR. GOSMAN:</p> <p>16          Q. Yes. Did the statement that you read from          17 page 5, that it would take a fully trained SWAT or          18 hostage rescue team to deal with many of these          19 situations -- rather, has that statement been          20 completely superseded by subsequent thinking?</p> <p>21          A. I would no longer consider that to be a valid          22 and accurate statement.</p> <p>23          Q. All right. So we'll find out later whether          24 that's correct or not.</p> <p>25          Now, let's go down to subparagraph 3.</p>	<p>Page 51</p> <p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1           And in those situations that will require          2 SWAT or hostage rescue, we will need to initially          3 respond, contain or initiate the law enforcement          4 response before turning over to fully trained officers          5 to resolve the situation."</p> <p>6           Has that been completely supplemented by new          7 thinking?</p> <p>8          MS. WESTBY: Object to the form of the          9 question.</p> <p>10         MR. THOMPSON: Join.</p> <p>11         THE WITNESS: I would no longer consider that          12 to be an accurate statement.</p> <p>13 BY MR. GOSMAN:</p> <p>14         Q. Very good.</p> <p>15         Okay. We're on page 13. And we're on          16 paragraph C. And we're dealing with the selection of          17 the entry team. And I'd like you to read paragraphs 1          18 and 2 into the record.</p> <p>19         A. Paragraph C, entry.          20           Sub 1, select qualified entry team.          21           Sub A, each person should be individually          22 suited and qualified for the position he is in.</p> <p>23         Q. Excuse me, officer, and I think it will work          24 better if I stop you there, and at each one of these          25 paragraphs, and ask you if this paragraph has been</p>
<p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1           situation according to the four subs listed underneath          2 it?</p> <p>3 BY MR. GOSMAN:</p> <p>4          Q. Yes.</p> <p>5          A. It does not apply to dynamic entries. The          6 section of the lesson plan is on covert entry and          7 search.</p> <p>8          Q. Okay. All right. I'll give you that.</p> <p>9          MR. THOMPSON: That's good, 'cause that's          10 what the document says.</p> <p>11         MR. GOSMAN: All right.</p> <p>12 BY MR. GOSMAN:</p> <p>13         Q. So let's go ahead and go back up to page 5          14 for just a second and where we talked about SWAT teams.          15 I want you to tell me if that paragraph that you          16 previously read into the record is completely outdated.          17 I mean, I need to know that before we go on.</p> <p>18         MS. WESTBY: He's told you that.</p> <p>19         MR. GOSMAN: No, he hasn't.</p> <p>20         MS. WESTBY: Yes, he did. Read it in the          21 transcript.</p> <p>22         MR. GOSMAN: Read it and weep. I'll do that.</p> <p>23         Okay. But in the meant me, I don't recollect          24 any statements being made about whether the material he          25 read into the record from page 5 was completely</p>	<p>Page 50</p> <p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1           " And in those situations that will require          2 SWAT or hostage rescue, we will need to initially          3 respond, contain or initiate the law enforcement          4 response before turning over to fully trained officers          5 to resolve the situation."</p> <p>6           Has that been completely supplemented by new          7 thinking?</p> <p>8          MS. WESTBY: Object to the form of the          9 question.</p> <p>10         MR. THOMPSON: Join.</p> <p>11         THE WITNESS: I would no longer consider that          12 to be an accurate statement.</p> <p>13 BY MR. GOSMAN:</p> <p>14         Q. Very good.</p> <p>15         Okay. We're on page 13. And we're on          16 paragraph C. And we're dealing with the selection of          17 the entry team. And I'd like you to read paragraphs 1          18 and 2 into the record.</p> <p>19         A. Paragraph C, entry.          20           Sub 1, select qualified entry team.          21           Sub A, each person should be individually          22 suited and qualified for the position he is in.</p> <p>23         Q. Excuse me, officer, and I think it will work          24 better if I stop you there, and at each one of these          25 paragraphs, and ask you if this paragraph has been</p>	<p>Page 52</p> <p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p>

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1 completely superseded by subsequent thinking in this 2 area. 3 A. Yes. 4 Q. So it's not that important that the 5 individuals are suited and qualified for the positions 6 they are in? 7 MR. THOMPSON: Objection as to form. 8 MS. WESTBY: Join. 9 THE WITNESS: That is not what I said. I 10 just said that this has been superseded. 11 BY MR. GOSMAN: 12 Q. Well, all right. Then, so that we're not 13 confused here, I'm not interested in whether it's been 14 superseded or not. I'm interested in whether or not 15 the principles still apply. 16 Does this principle still apply -- 17 MR. THOMPSON: Objection -- 18 BY MR. GOSMAN: 19 Q. -- based on the new training -- 20 MR. THOMPSON: Objection -- 21 BY MR. GOSMAN: 22 Q. -- that's available in this field? 23 MR. THOMPSON: -- as to form. 24 MS. WESTBY: Join. 25 THE WITNESS: Not in the way that it was	1 A. Yes. 2 Q. Paragraph No. 2. 3 A. "Deciding to go in." 4 Q. No, I'm sorry. I said two, I meant B. Let's 5 -- we're going to go down through this list. 6 A. "B, teams should have proper training." 7 Q. And really, that's true today, too, isn't it? 8 A. Yes. 9 Q. And C? 10 A. "Teams should have proper weapons for 11 situations." 12 Q. And that's true today? 13 A. Yes. 14 Q. All right. Let's go to paragraph 2. 15 A. "Deciding to go in." 16 Q. Paragraph A? 17 A. "Sub A, do you know suspect is there?" 18 Q. And that would still be true today, would it 19 not? 20 A. That would be a consideration. 21 Q. And go ahead. Paragraph B. 22 A. "Is suspect barricaded or just hiding?" 23 Q. And that would be true today? 24 A. That would be a consideration. 25 Q. Paragraph C?		
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1 originally intended when it was written in this 2 document. 3 BY MR. GOSMAN: 4 Q. Okay. How so? 5 A. At the time this was written and the amount 6 of training that had been provided to officers in the 7 department and the fact that there were a number of 8 officers who did not have the training, nor possess the 9 aptitude to perform those roles, what we were doing was 10 trying to be selective on where we placed people so 11 that they were being placed somewhere that they were 12 suited and qualified for. 13 Q. Okay. And I think I understand that. But 14 that doesn't mean that it's still not true that each 15 person should be individually suited and qualified for 16 the position, correct -- 17 MR. THOMPSON: Objection as to form. 18 MS. WESTBY: Join. 19 BY MR. GOSMAN: 20 Q. -- on an entry team? 21 A. I'm just telling you that that's what the 22 intent of the statement was at the time it was written. 23 Q. All right. And, today, would you want each 24 person individually suited and qualified for the 25 position he's in on an entry team?	1 A. "What weapons or potential weapons does 2 suspect have?" 3 Q. And, of course, that would be true today. 4 would it not? 5 A. That would be a consideration. 6 Q. And subparagraph D? 7 A. What -- I think there's a typo there. I 8 think it should say, "What are our other options?" 9 Don't get in a hurry to go in; he may come out. 10 Q. And that would be true today, would it not? 11 A. That would be a consideration. 12 Q. And subparagraph E? 13 A. "Entry is our last choice." 14 Q. And would that be true today? 15 A. It could be. 16 Q. Okay. Paragraph -- subparagraph F? 17 A. "Gather as much intelligence as possible 18 before going in" 19 Q. All right. Thank you. 20 And we're going to turn now to page 18, and 21 this is where the training turns to dynamic entry. 22 Paragraph 5A, which is the introduction, is a 23 paragraph that I'd like you to read into the record, 24 and then I'll visit with you for a moment about it. 25 A. "The law enforcement response to critical		

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<p>1 incidents should be viewed as a continuum. On the left 2 or lower end of the continuum is the traditional law 3 enforcement clear or slow methodical search.</p> <p>4 "On the right or upper end is the dynamic 5 hostage rescue. Which is to be used depends on the 6 circumstances of the situation and the goal of your 7 mission.</p> <p>8 "The skills we have covered so far will 9 enable you to deal with the first half of this 10 continuum. The dynamic training we will now cover will 11 prepare you for the second half of the continuum, 12 excluding hostage rescue. As a result, this training 13 will prepare you to carry out approximately 14 three-fourths of a range of responses on the 15 continuum."</p> <p>16 Q. Is this continuum also known as the force 17 continuum?</p> <p>18 A. No.</p> <p>19 Q. All right. Let's go ahead and move to 20 paragraph B. Why dynamic? Would you read the 21 subparagraphs under that sub heading?</p> <p>22 A. "One, if life is threatened. 23 Sub A, suicide. 24 Sub B, harm others. 25 Two, if evidence may be destroyed.</p>		<p>1 Q. Okay. Now, if we eliminate the threat to 2 life or the possibility that evidence may be destroyed, 3 why would you engage in a dynamic entry in a warrant 4 service?</p> <p>5 A. In a warrant service?</p> <p>6 Q. Yes.</p> <p>7 A. So you're now limiting your question 8 specifically to warrant service, not dynamic entries in 9 general?</p> <p>10 Q. Yes, I am.</p> <p>11 A. Okay. Search warrant service or arrest 12 warrant service?</p> <p>13 Q. That's a good question. Search warrant 14 service.</p> <p>15 A. So your question is if we have a search 16 warrant and there is no threat to life and no danger of 17 evidence to be destroyed, would we use a dynamic entry?</p> <p>18 Q. Yes.</p> <p>19 MS. WESTBY: I mean, I have to object. It's 20 asking him to come up with scenarios. It's a reverse 21 hypothetical. Object to the form.</p> <p>22 MR. THOMPSON: Join.</p> <p>23 MS. WESTBY: Go ahead.</p> <p>24 THE WITNESS: Based on that hypothetical as I 25 just stated it back to you with that very narrow set of</p>	
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<p>1 Sub A, drug arrests."</p> <p>2 Q. All right. Now, do the principles that are 3 outlined in that paragraph apply today?</p> <p>4 A. As stated here?</p> <p>5 Q. Yes.</p> <p>6 A. I don't know if they apply as stated here.</p> <p>7 Q. All right. What's your argument with the 8 statement as it is there?</p> <p>9 MR. THOMPSON: Objection as to form.</p> <p>10 MS. WESTBY: Join.</p> <p>11 THE WITNESS: I believe that this is, one, 12 outdated; two, limited and incomplete. This kind of a 13 decision now is going to be a totality of the 14 circumstances assessment.</p> <p>15 BY MR. GOSMAN:</p> <p>16 Q. Okay. Do we still consider whether life is 17 threatened in making a dynamic entry?</p> <p>18 A. Life safety is an issue considered.</p> <p>19 Q. All right. And let's take the second one. 20 If evidence may be destroyed, certainly, that is a 21 consideration, is it not?</p> <p>22 A. Evidence destruction is considered.</p> <p>23 Q. In the decision to make a dynamic entry, 24 correct?</p> <p>25 A. It will be one of the factors considered.</p>		<p>1 parameters, I would say there would be no need for a 2 dynamic entry.</p> <p>3 BY MR. GOSMAN:</p> <p>4 Q. Okay. Let's go on to paragraph D on the next 5 page, principles of dynamic entry. I want you to go 6 ahead and read those into the record.</p> <p>7 A. Page 19, sub D?</p> <p>8 Q. Yes.</p> <p>9 A. "Principles of Dynamic Entry. 10 Sub 1, surprise. 11 Sub 2, speed. 12 Sub 3, violence of action. 13 Sub 4, still need a definite plan, the goal 14 of which is to stop the threat. 15 "You must not deviate from the plan under any 16 circumstances. You may have to adapt to overcome the 17 unexpected, but do not deviate from the plan. The 18 difference between these two is if you still carry out 19 your assignment at the designated time with the desired 20 results. Never deviate from the plan." 21 Q. Do those principles still hold true today? 22 MR. THOMPSON: Objection as to form. 23 MS. WESTBY: Join. 24 THE WITNESS: Principle 1 and 2 do. 25 Principle 3 does, although in training materials you</p>	

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<p>1 will find it stated a different way. I don't -- and I 2 can't think of the terminology, but it was testified to 3 earlier by another officer who defined violence of 4 action of just --</p> <p>5 BY MR. GOSMAN:</p> <p>6 Q. Yes.</p> <p>7 A. Rapid movement, lots of noise, those kinds of 8 things. They call it something different.</p> <p>9 Principle 4, I do not believe would apply 10 today.</p> <p>11 Q. Okay.</p> <p>12 A. As it's stated.</p> <p>13 Q. All right. And then under subparagraph E, 14 dynamic tactics, we have as the first item listed 15 there, diversion devices. Would you read subparagraph 16 1A, B, C, D, and E into the record, please.</p> <p>17 A. "One, diversion devices.</p> <p>18 Sub A, a diversion device should be used when 19 you are sure or reasonably sure there is a subject in a 20 building that you feel is about to take his/her own 21 life or another person's life."</p> <p>22 Q. Let me stop you. Does that principle apply 23 today?</p> <p>24 A. What do you mean by apply?</p> <p>25 Q. I mean is it true today that a diversion</p>		<p>1 BY MR. GOSMAN: 2 Q. Yes. 3 A. Okay. In the service of a search warrant, it 4 could be if you have probable cause to believe, based 5 on your totality of the circumstances assessment, that 6 there is risk to the officers or others as they enter. 7 And you could use it to distract and divert attention 8 either away from your entry -- you could use it to deny 9 suspect access to particular areas of the facility. 10 Q. Weapons in particular? 11 A. Weapons, potentially escape, potentially 12 places where there may be other persons they're trying 13 to protect, places where there may be evidence they may 14 be trying to access to destroy. 15 Q. Why was the diversionary device used in the 16 Wachsmuth case? 17 A. Because of the threat to the officers 18 presented by the occupants of the residence. 19 Q. Okay. Now let's go ahead and take a look at 20 Exhibit 27. I'm going to ask you if you can identify 21 that document. 22 (Exhibit 27 identified) 23 THE WITNESS: Well, from the cover page, it 24 appears to be the course manual from Countermeasures 25 Tactical Institute for the training course they</p>	
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<p>1 device should be used when you are sure or reasonably 2 sure there is a subject in the building that you feel 3 is about to take his or her life or another person's 4 life?</p> <p>5 A. Are you asking is that an appropriate 6 circumstance under which to use a diversion device or 7 are you asking is that the only circumstance under 8 which you would use a diversion device?</p> <p>9 Q. I guess I'm asking for the latter.</p> <p>10 A. Only?</p> <p>11 Q. Yes.</p> <p>12 A. No.</p> <p>13 Q. What other circumstances are appropriate for 14 a diversionary device?</p> <p>15 MS. WESTBY: Object to the form of the 16 question.</p> <p>17 BY MR. GOSMAN:</p> <p>18 Q. Based on the training -</p> <p>19 A. Based on the training?</p> <p>20 Q. -- that you've had?</p> <p>21 MS. WESTBY: Object to the form of the 22 question.</p> <p>23 MR. THOMPSON: Join.</p> <p>24 THE WITNESS: Again, are we talking in 25 service of a search warrant?</p>		<p>1 provided us in 2005. 2 BY MR. GOSMAN: 3 Q. All right. Does this contain the updated 4 training on these tactical issues that we've been 5 talking about? 6 A. Most of it, yes. 7 Q. Okay. Let's see. Let's go to page 27 -- 8 well, let's see. No, I'm getting ahead of myself. 9 Give me a moment. Sorry about that. 10 Okay. On page 10, we have the force 11 continuum. Would you take a moment and take a look at 12 that? 13 A. Are you talking page 10 of the manual or 14 Bates stamp 10? 15 Q. It's page number 10. 16 A. All right. 17 Q. You are familiar with the concept of the 18 force continuum? 19 A. Yes. 20 Q. And is that force continuum represented here 21 on page 10 of this document? 22 A. Well, there is a force continuum represented 23 there. 24 Q. Is that the -- I want you to take a minute 25 and describe for me what you understand the concept of</p>	

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1 the force continuum to be. 2 A. We do not use force continuums anymore in our 3 training. So do you still want me to answer that? 4 Q. Yeah. 5 A. Okay. I mean, it's kind of a moot point. 6 But what a force continuum was -- in the past you've 7 seen them embodied in policies. They have since been 8 removed from policies and replaced with the standard of 9 objective reasonableness to a reasonable peace officer 10 based on the totality of the circumstances assessment. 11 For a while they remained in training 12 materials, and they have since been even pretty much 13 removed from that. 14 Q. Okay. You can stop there. 15 A. Okay. 16 Q. So let's go ahead and use the -- I think you 17 said "objectively reasonable" to an officer in the -- 18 under the totality of the circumstances he's presented. 19 Is that what has been substituted for the 20 force continuum? 21 A. That is the current standard under the Fourth 22 Amendment. 23 Q. Very good. All right. 24 And would you agree with me, Chief, that 25 leading Tricia Wachsmuth -- or having her lead the	1 to make any judgments about that, whether what she said 2 was true or not -- then the police officers in this 3 scenario led or forced her to go down the stairs ahead 4 of them while they had their rifles, their long guns 5 trained on her, is that objectively unreasonable in 6 your mind in the totality of the circumstances? 7 MS. WESTBY: And, again, object to the form 8 of the question. Misstates the testimony and the 9 evidence. But the more important thing is it's an 10 incomplete hypothetical. The standard is totality of 11 the circumstances. You haven't given him enough of 12 those for him to be able to -- 13 MR. GOSMAN: All right. Object as to form, 14 please. 15 MS. WESTBY: -- to be able to come to a 16 conclusion. And calls for a legal conclusion. 17 MR. THOMPSON: Join. 18 THE WITNESS: Based on the limited 19 information you've given me, I would have to say I 20 don't know. 21 MR. GOSMAN: 22 Q. What other information would you need? 23 MR. THOMPSON: Objection as to form. 24 MS. WESTBY: Join. 25 THE WITNESS: I would need to have the		
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1 officers down the stairs while they were pointing their 2 weapons at her would be objectively unreasonable use of 3 force in the totality of the circumstances in this 4 case? 5 I'm not asking you to tell me -- or to agree 6 with me that that happened. I'm just saying, if that 7 happened, would that be objectively unreasonable in 8 your mind? 9 MS. WESTBY: Object to the form of the 10 question. Incomplete hypothetical, misstates the 11 evidence and the testimony. 12 MR. THOMPSON: And calls for legal 13 conclusion, and I join. 14 MS. WESTBY: Yeah. 15 THE WITNESS: So am I to answer that? 16 MR. GOSMAN: 17 Q. Yeah. 18 MR. THOMPSON: If you can. 19 MS. WESTBY: If you can. 20 THE WITNESS: That's just it. I don't know 21 that I can. It didn't happen that way. 22 MR. GOSMAN: 23 Q. Well, Tricia Wachsmuth said it did. And I 24 know you don't want to believe her, and that's fine. 25 But if what she said was true -- and I'm not asking you	1 totality of the circumstances in a complete context. 2 MR. GOSMAN: 3 Q. Let's see here. And based on objective 4 reasonableness and the totality of the circumstances, 5 as you understand that term, would it have been 6 objectively unreasonable to drop a flashbang device 7 into the master bedroom of a home where a small child 8 is known to be present, where you can't see where the 9 device is being deployed? 10 MS. WESTBY: And, again, same objection. 11 Same objection. 12 MR. THOMPSON: Join. 13 MR. GOSMAN: 14 Q. Go ahead, Officer. 15 A. Could you restate the question? 16 MR. GOSMAN: I'll ask the reporter to read 17 it. 18 (The record was read as 19 requested.) 20 MS. WESTBY: And I would add that, again, 21 you're trying to turn him into an expert; this time a 22 legal expert. And you're not paying him. He's not 23 your expert and you're not entitled to do that with a 24 defendant. 25 MR. THOMPSON: Join.		

<p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1 MR. GOSMAN:          2 Q. Go ahead.          3 MR. THOMPSON: You can answer.          4 THE WITNESS: Again, like the last time, I          5 don't know that I can really answer that question.          6 MR. GOSMAN:          7 Q. Would you do it?          8 MS. WESTBY: Objec: to the form of the          9 question. You know --          10 MR. GOSMAN: You know, that's fine. You've          11 objected to the form of the question.          12 MS. WESTBY: Again, incomplete --          13 MR. GOSMAN:          14 Q. It's a simple question. Would you do it?          15 MS. WESTBY: Again incomplete hypothetical,          16 not enough information.          17 MR. GOSMAN:          18 Q. All right. I'll back up.          19 Would you drop a flashbang device in a window          20 that you couldn't see into, in a home where a young          21 child had been thought to be present and where the          22 location of that child was not known?          23 MR. THOMPSON: Objection as to form.          24 MS. WESTBY: I join. Incomplete          25 hypothetical.</p>	<p>Page 69</p> <p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1 MR. GOSMAN:          2 Q. What circumstances would make that          3 appropriate?          4 MS. WESTBY: Same objection. Go ahead.          5 THE WITNESS: I think the circumstances in          6 the Wachsmuth case were appropriate.          7 MR. GOSMAN:          8 Q. Okay. Under what circumstances -- or let me          9 strike that.          10 Would you consider it to be objectively          11 reasonable under the totality of the circumstances rule          12 for officers on a knock-and-announce warrant to knock          13 and announce and fail to wait before the door was          14 rammed open and the officers entered the residence?          15 MS. WESTBY: Again, same objection,          16 incomplete hypothetical. It's -- the standard is --          17 MR. GOSMAN: You know, I don't really need          18 this discussion. I mean, you've objected on the basis          19 it's an incomplete hypothetical. That's perfectly          20 satisfactory --          21 MS. WESTBY: And you keep doing it. The          22 standard is totality of the circumstances. You keep          23 giving him incomplete hypotheticals. You're giving him          24 two or three facts and then asking him the question          25 again. He's not an expert. He's not your expert and</p>	<p>Page 71</p>
<p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1 THE WITNESS: Possibly.          2 MR. GOSMAN:          3 Q. You would do that?          4 A. Possibly.          5 Q. What kind of circumstances would it take for          6 you to drop a flashbang device into a home where you          7 can't see where the device is being deployed and you          8 know a young child is present but you don't know where?          9 MS. WESTBY: Object to the form of the          10 question.          11 MR. THOMPSON: Join.          12 THE WITNESS: So, in essence, you're wanting          13 me to just engage in utter speculation and concoct          14 special circumstances under which that could happen?          15 MR. GOSMAN: Well, you know, not really,          16 because I think you told me that you might possibly do          17 that. And I'm sure there's something in your mind          18 there that would lead you to say that you might, under          19 some circumstances, do such a thing. And I'd just like          20 to know what they would be.          21 MR. THOMPSON: Object.          22 MS. WESTBY: Objec: to the form of the          23 question.          24 MR. THOMPSON: Join.          25 THE WITNESS: Yeah, I just...</p>	<p>Page 70</p> <p>TIM FEATHERS - November 23, 2010          Direct Examination by Mr. Gosman</p> <p>1 you're not allowed to make him be your expert. Calls          2 for a legal conclusion.          3 MR. THOMPSON: Join.          4 THE WITNESS: Define fail to wait.          5 MR. GOSMAN:          6 Q. The door is immediately rammed after the          7 knock-and-announce is made.          8 MR. THOMPSON: Objection --          9 MS. WESTBY: Same objection.          10 MR. THOMPSON: Yeah, join.          11 THE WITNESS: With no hesitation in between?          12 MR. GOSMAN:          13 Q. That's correct.          14 A. None whatsoever?          15 Q. None whatsoever.          16 A. Okay. What was the original question, then?          17 Q. Would that be objectively reasonable under          18 the totality of circumstances rule as you understand          19 it?          20 A. On a knock-and-announce warrant?          21 Q. Yes.          22 MS. WESTBY: Same objection, incomplete          23 hypothetical.          24 MR. THOMPSON: Join.          25 THE WITNESS: Again, I think there could be</p>	<p>Page 72</p>

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<p>1 circumstances present where it could be.</p> <p>2 MR. GOSMAN:</p> <p>3 Q. Well, what circumstances existed at the</p> <p>4 Wachsmuth residence that night that would have</p> <p>5 justified that approach?</p> <p>6 MR. THOMPSON: What approach, Counsel?</p> <p>7 MR. GOSMAN:</p> <p>8 Q. Ramming the door immediately after the</p> <p>9 knock-and-announce with no hesitation.</p> <p>10 MR. THOMPSON: Objection as to form.</p> <p>11 Misstates the evidence.</p> <p>12 MR. GOSMAN: Well, it misstates the evidence</p> <p>13 as you want it to be.</p> <p>14 MS. WESTBY: Join.</p> <p>15 MR. GOSMAN:</p> <p>16 Q. Go ahead.</p> <p>17 MR. THOMPSON: Is that a question?</p> <p>18 MR. GOSMAN: That's an objection to your</p> <p>19 objection, I guess, Tom. Sorry about that.</p> <p>20 MR. GOSMAN:</p> <p>21 Q. Go ahead.</p> <p>22 A. Well, that isn't the way it happened that</p> <p>23 night, so I don't really know how I can answer your</p> <p>24 question since it didn't happen that way.</p> <p>25 Q. Were you there?</p>		<p>1 question. Same objection.</p> <p>2 MR. THOMPSON: Join.</p> <p>3 MS. WESTBY: Clear -- I mean, absolutely</p> <p>4 asking for a legal expert opinion. And this has gone</p> <p>5 on long enough.</p> <p>6 Go ahead if you can answer.</p> <p>7 MR. GOSMAN:</p> <p>8 Q. Officer?</p> <p>9 MS. WESTBY: And this is the last time.</p> <p>10 THE WITNESS: My understanding of</p> <p>11 knock-and-announce under the Fourth Amendment is you're</p> <p>12 required to knock, announce your identity and your</p> <p>13 purpose and wait a reasonable amount of time.</p> <p>14 MR. GOSMAN:</p> <p>15 Q. Okay. Does the Powell Police Department have</p> <p>16 a SWAT team?</p> <p>17 A. No.</p> <p>18 Q. Let's see All right. I am getting a little</p> <p>19 bit ahead of myself. We're still on Exhibit No. 27.</p> <p>20 THE WITNESS: Can we take a short break?</p> <p>21 MR. GOSMAN: Yes, we can.</p> <p>22 (Recess taken 5:03 p.m. to</p> <p>23 5:10 p.m., November 23, 2010)</p> <p>24 MR. GOSMAN:</p> <p>25 Q. Okay. I think we're on Exhibit 27. And I</p>	
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<p>1 A. I was not.</p> <p>2 Q. So you can't tell me what circumstances would</p> <p>3 justify on a knock-and-announce warrant at the</p> <p>4 Wachsmuth residence for the officers to have entered</p> <p>5 the home immediately with the ram after announcing,</p> <p>6 "Police, search warrant"?</p> <p>7 MS. WESTBY: Object to the form of the</p> <p>8 question. Again, same objection.</p> <p>9 MR. GOSMAN: Just state your objection,</p> <p>10 please, so we don't have to listen to this --</p> <p>11 MS. WESTBY: Please don't do that.</p> <p>12 MR. GOSMAN: -- over and over again.</p> <p>13 MS. WESTBY: I view that as threatening.</p> <p>14 MR. THOMPSON: Join.</p> <p>15 THE WITNESS: Again, if you're saying</p> <p>16 immediately means, you know, no time lapse, immediately</p> <p>17 happened, that isn't the way it went down. And I can't</p> <p>18 answer that question.</p> <p>19 MR. GOSMAN:</p> <p>20 Q. Well, let's just back up for a second and ask</p> <p>21 you to say this: As you understand the Fourth</p> <p>22 Amendment, is it appropriate on a knock-and-announce</p> <p>23 warrant to announce, "Police, search warrant," and then</p> <p>24 immediately ram the door in without any hesitation?</p> <p>25 MS. WESTBY: Object to the form of the</p>		<p>1 wanted to turn your attention to the P.I.E.R.</p> <p>2 philosophy, which is on page 27 of this patrol tactics</p> <p>3 course.</p> <p>4 And can you tell me what -- it says right</p> <p>5 there what P.I.E.R. stands for, Patrol Interdiction to</p> <p>6 Emergency Response. What is a P.I.E.R. team?</p> <p>7 A. Well, there's no such thing as a P.I.E.R.</p> <p>8 team.</p> <p>9 Q. Okay. What is P.I.E.R.? What is it designed</p> <p>10 for?</p> <p>11 A. P.I.E.R. is designed for a patrol response to</p> <p>12 an active threat.</p> <p>13 Q. Okay. And you'll notice on this document</p> <p>14 that we're looking at, it's page 27 where we're</p> <p>15 discussing the P.I.E.R. portion of the -- of this</p> <p>16 course, that P.I.E.R. is not intended to be used as a</p> <p>17 SWAT team?</p> <p>18 A. That's right.</p> <p>19 Q. And so that's still current thinking, at</p> <p>20 least as SWAT teams relate to P.I.E.R. events?</p> <p>21 MS. WESTBY: Object to the form of the</p> <p>22 question.</p> <p>23 MR. THOMPSON: Join.</p> <p>24 THE WITNESS: Yes.</p> <p>25</p>	

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1 MR. GOSMAN:

2 Q. And, in fact, that's current thinking as it  
3 pertains to all other critical incident events, is it  
4 not?5 MS. WESTBY: Object to the form of the  
6 question.

7 MR. THOMPSON: Join.

8 THE WITNESS: If I understand your question  
9 correctly, I would say no.

10 MR. GOSMAN:

11 Q. Okay. Go ahead and explain what you're  
12 thinking there.

13 A. Restate your question.

14 Q. Yeah. The question is that in none of these  
15 critical incidents is the -- are the resources of the  
16 local agency intended to be used as a SWAT team if they  
17 are not, in fact, trained as a SWAT team?18 MS. WESTBY: Object to the form of the  
19 question.

20 MR. THOMPSON: Join.

21 THE WITNESS: If you are intending that to be  
22 a statement of the P.I.E.R. philosophy, you're  
23 misstating it.

24 MR. GOSMAN:

25 Q. Okay. All right. Well, it says P.I.E.R. is

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1 Q. And so is it fair to say that you would not  
2 want to put your patrol officers in a situation where a  
3 SWAT team was the appropriate response?

4 MR. THOMPSON: Object as to form.

5 THE WITNESS: Recognizing that appropriate  
6 can be interpreted many ways, based on how I would  
7 define appropriate, yes, I would agree with that.

8 MR. GOSMAN:

9 Q. That was one of the softest lobs you're going  
10 to get tonight.11 Okay. Let's go ahead and move on to  
12 Exhibit 37. Can you identify that document for me,  
13 please?14 A. I think it's the power point that goes with  
15 the outdated lesson plan we looked at earlier.16 Q. Okay. Let's see. When was the last time  
17 this document was used, do you know?18 A. Can you tell me which exhibit the lesson plan  
19 outline was that we looked at earlier?

20 Q. I think it was 29.

21 A. If you notice on the cover page of the lesson  
22 plan in Exhibit 29, the last updated date of  
23 September '02 was in bold. That means those were  
24 proposed changes. Those changes were never adopted and  
25 implemented.TIM FEATHERS - November 23, 2010  
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1 not intended to be used as a SWAT team, period. Does  
2 it not?

3 A. Correct.

4 Q. So we'll leave that.

5 Would you agree with me that local law  
6 enforcement agencies which do not have qualified  
7 tactical teams should not use their resources as a  
8 substitute for a SWAT team?9 MS. WESTBY: Object to the form of the  
10 question.

11 MR. THOMPSON: Join.

12 THE WITNESS: I don't know what you mean by  
13 that.

14 MR. GOSMAN:

15 Q. What is it -- what is the difference between  
16 a SWAT team and just the 11 officers that assembled  
17 that night to perform the dynamic entry on the  
18 Wachsmuth residence?19 A. There would be a number of differences.  
20 Probably the primary difference is that a SWAT team  
21 would be used to provide a tactical solution to an  
22 incident as a primary solution where there would be --  
23 in certain types of incidents where there -- where we  
24 would not use patrol officers or police officers  
25 trained as our officers are to do that.TIM FEATHERS - November 23, 2010  
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1 The last adopted and implemented update was  
2 February 6 of 1999, so the last time this lesson plan  
3 would have been trained with would have been prior to  
4 September of 2002.

5 Q. Okay. Thank you. All right.

6 Now, I believe I've asked you this question.  
7 Does the Powell Police Department have a SWAT-qualified  
8 team?

9 A. We do not have a SWAT team.

10 Q. And why not?

11 A. Based on the size and staffing of our agency,  
12 I do not have the manpower or fiscal resources to  
13 staff, train, and keep current such a unit.14 Q. All right. It is a fairly significant  
15 training regimen that is associated with qualification  
16 for SWAT, is it not?17 MS. WESTBY: Object to the form of the  
18 question.19 THE WITNESS: I cannot speak in detail to  
20 what that would require simply because I've never  
21 followed through in fully investigating it.

22 MR. GOSMAN:

23 Q. All right. Well, let's go ahead and take a  
24 look again at Exhibit -- I think it was 38. And that  
25 was the NTOA SWAT standards document.

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1 MR. THOMPSON: I thought you withdrew this.  
 2 MS. WESTBY: Yeah.  
 3 MR. GOSMAN: Well, yeah, I did. I did  
 4 withdraw it. I'm not going to try to attach the entire  
 5 manual.

6 MS. WESTBY: And we're not going to allow him  
 7 to answer questions about it either. He hasn't had an  
 8 opportunity to review it.

9 MR. GOSMAN:

10 Q. Well, we're going to go to -- we've already  
 11 talked about page 2, and I'm now going to turn your  
 12 attention, Officer, to page -- yes, it's on page 6, and  
 13 starts with paragraph numbered 5.4.

14 And it talks about SWAT training, and I want  
 15 you to just take a look at that for a minute and then  
 16 read the minimum training standards for a SWAT team  
 17 into the record for me if you could.

18 MS. WESTBY: Well, say that again. These are  
 19 not standards. These are no: nationally recognized  
 20 standards, right?

21 MR. GOSMAN: These are NTOA standards, so  
 22 they are nationally recognized. I mean, the same  
 23 extent --

24 MS. WESTBY: The problem is that we have not  
 25 had an opportunity to review this document. We've not

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1 MR. GOSMAN:  
 2 Q. Okay. The question was: Do you have any  
 3 reason to doubt that these are, in fact, the training  
 4 standards established by the -- by NTOA for SWAT?  
 5 A. I don't know.

6 MS. WESTBY: And how would he have any idea?  
 7 He's not had an opportunity to review this document,  
 8 nor has --

9 MR. THOMPSON: Counsel.  
 10 MS. WESTBY: -- half his attorneys.  
 11 MR. GOSMAN: All right. Well, let's see  
 12 here.

13 MR. GOSMAN:  
 14 Q. Is it your testimony that you're unable to  
 15 discern from reading the paragraph that I've just asked  
 16 you to read what the minimum training standards are  
 17 under NTOA for a SWAT team?

18 MR. THOMPSON: Objection as to form.

19 THE WITNESS: I can read and understand the  
 20 paragraph. What I don't know is, is this actually  
 21 NTOA's recommended standards. I mean, I've been handed  
 22 a document I've never seen before. It appears to have  
 23 NTOA's emblem on it. It appears to be copyrighted with  
 24 their copyright, but I just don't know what this is. I  
 25 don't have a context for the document.

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1 had an opportunity to talk to our client about it or  
 2 to, you know, have any idea what else is in this  
 3 document. That's the whole point of doing discovery --  
 4 written discovery prior to depositions. So that's the  
 5 problem that we're having.

6 MR. GOSMAN:

7 Q. Have you taken the opportunity to review that  
 8 paragraph that I've mentioned to you?

9 A. I've scanned it.

10 Q. Okay. Now, do you have any reason to doubt  
 11 that the minimum training standards that are listed in  
 12 this document, which is the National Tactical Officers  
 13 Association SWAT standards manual, are not the training  
 14 standards established by that agency?

15 MR. THOMPSON: Counsel, you're having him  
 16 read portions of the document?

17 MR. GOSMAN: Yes, I am.

18 MR. THOMPSON: If you're going to go ahead  
 19 and have him read from the document, let's introduce  
 20 the whole document so it's not taken out of context.

21 MR. GOSMAN: Okay. That's fine. We can do  
 22 that.

23 THE WITNESS: I have no idea what the  
 24 question was you just asked

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1 It's not like I was able to pull it out of  
 2 their website or it was given to me by an NTOA officer  
 3 where I could verify that it, in fact, was an NTOA  
 4 document. That's my issue.

5 MR. GOSMAN:

6 Q. Okay. And with those reservations in mind,  
 7 would you go ahead and read the minimum training  
 8 standards that are contained on page 7?

9 MR. THOMPSON: Let me see this for a second.  
 10 MS. WESTBY: Again, I would object to -- I  
 11 don't understand the purpose of it. But I would object  
 12 to him being asked to read portions of the document  
 13 that he has not been previously provided, has not had  
 14 an opportunity to adequately review into the record.

15 MR. GOSMAN: While you're reading that, Tom,  
 16 we'll go ahead and move on.

17 MR. GOSMAN:

18 Q. Would it be fair to say that the Powell  
 19 Police Department does not have any training  
 20 requirements that are appropriate for a SWAT-qualified  
 21 team?

22 MR. THOMPSON: Objection as to form.

23 MS. WESTBY: Join.

24 THE WITNESS: Are you asking, does the  
 25 training we provide meet some standard to qualify our

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1 officers as a SWAT team?

2 MR. GOSMAN:

3 Q. Yes.

4 A. No.

5 Q. Does the Powell Police Department have any  
6 special operations units that are trained and operating  
7 as such?

8 MR. THOMPSON: Objection, asked and answered.

9 MS. WESTBY: Yeah. I agree. Join.

10 THE WITNESS: You mean particular officers  
11 specifically chosen to operate in a standalone unit?

12 MR. GOSMAN:

13 Q. Yes.

14 A. No.

15 Q. Do you have any other special tactical teams  
16 that are specially assigned, trained together and  
17 function operationally together?

18 MR. THOMPSON: Objection as to form.

19 THE WITNESS: Ask that question again.

20 MR. GOSMAN: I'll have the reporter read it  
21 back.22 (The record was read as  
23 requested.)24 THE WITNESS: By your definition as stated,  
25 no.TIM FEATHERS - November 23, 2010  
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1 yes, we do.

2 Q. All right. Have the officers involved in the  
3 Wachsmuth warrant service, as a group, ever performed a  
4 dynamic entry in an operational setting?5 A. Again, when you say, again, as a group, do  
6 you mean those -- all of those specific officers  
7 operating together on another case or incident?

8 Q. Yes.

9 A. I don't know.

10 Q. Okay.

11 A. Short of going back and reviewing incidents  
12 and seeing who the officers were.13 MR. THOMPSON: And he's got Exhibit 39 back  
14 now.

15 MR. GOSMAN: Okay. Well, I assumed that.

16 MR. GOSMAN:

17 Q. All right. How about in groups less than all  
18 the officers that, nevertheless, included officers that  
19 were involved in the Wachsmuth warrant service?

20 A. Been involved in actual incidents together?

21 Q. I'm not talking about incidents though. I'm  
22 talking about dynamic entry into a home with an entry  
23 team, a ram, and a -- and the officers entered the  
24 home, and this is prior, of course, to February of  
25 2009, yes.TIM FEATHERS - November 23, 2010  
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1 Can we stop there for a moment?

2 MR. GOSMAN: Yes.

3 THE WITNESS: I want to just step out and  
4 visit with my counsel for a moment and I'll be right  
5 back.

6 MR. GOSMAN: Okay. Very good.

7 (Recess taken 5:26 p.m. to  
8 5:30 p.m., November 23, 2010)

9 MR. GOSMAN:

10 Q. Go ahead and expand on your answer.

11 THE WITNESS: Would the reporter read back  
12 the last question and my answer?13 (The record was read as  
14 requested.)

15 MR. GOSMAN:

16 Q. And if you'd like to expand on that answer,  
17 you may.18 A. I would like to expand on that answer. The  
19 first part of your question that dealt with  
20 specially-assigned individual units just simply doesn't  
21 apply to our agency. Our officers are generalists.  
22 They are not specialists. They are not, in this  
23 regard, part of special units.24 So when it comes to the training and the  
25 functioning and the operating together in these areas,TIM FEATHERS - November 23, 2010  
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1 A. Are you requiring all those elements, dynamic  
2 entry, ram, flashbang, or just any of those elements?  
3 Q. Correct me if I'm wrong, but I think the City  
4 has admitted that a flashbang device had never been  
5 used before, operationally, at the time the Wachsmuth  
6 warrant service was made.

7 A. Yes, I believe that's correct.

8 Q. Okay. So, no, I'm not going to ask you to  
9 include the flashbang.10 A. All right. Again, short of looking at  
11 specific incidents, it's going to be hard for me to say  
12 yes, absolutely, these officers on this date at this  
13 place.14 Q. Right. And that's why I sent out discovery  
15 and asked you to take your time and collect that  
16 information for me. It's in Exhibit 59.17 And I want you to go ahead and take some time  
18 and go through Exhibit 59, and then we'll get back to  
19 these NTOA standards.

20 (Exhibit 59 identified)

21 THE WITNESS: Okay.

22 MR. THOMPSON: You want him to go through all  
23 the --24 MR. GOSMAN: Well, you should be familiar  
25 with most of these incidents. And they do contain a

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1 number of documents per incident. And they're almost  
2 always -- they almost always start with some kind of  
3 initial report. So, yeah. I don't want you to go  
4 through them all, no. We don't have time for that.

5 THE WITNESS: I will do it, then, based on my  
6 best recollection of these incidents.

7 MR. GOSMAN:

8 Q. Okay.

9 A. Incident Powell Police Case Report 07540.

10 Q. You know, I'm not sure that I want to go  
11 through each one of them specifically because what I'm  
12 looking for, again, are those incidents that meet the  
13 qualifications we've talked about: Dynamic entry,  
14 battering ram, multiple officers, long guns, I think,  
15 is appropriate.

16 A. Well, let me give you the answer for this one  
17 and you tell me if that meets your --

18 Q. Okay.

19 A. And this incident here, after the suspect was  
20 taken in custody, I believe a dynamic entry was done on  
21 the residence by multiple officers armed with long guns  
22 to clear and secure the residence.

23 Q. Is that stated anywhere in the record?

24 A. All the report indicates is that certain  
25 officers assembled and cleared the residence.

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1 but that the keys were in the car. And at that point  
2 it's unclear if our folks cleared it or if, because of  
3 the officer-involved shooting connected to it and the  
4 investigation that was turned over to DCI, whether they  
5 did it.

6 My recollection is, I thought our officers  
7 did it, but that's not stated in the report.

8 Q. And we've only got one copy of that, so is  
9 there specific language in there that indicates that  
10 DCI did come onto the scene and secure the scene?

11 A. Well, our officers secured it. And that's  
12 why I'm saying it's unclear whether or not they also  
13 cleared it, based on the language in here.

14 Q. All right. And those -- so which of those  
15 officers were involved in the Wachsmuth event?

16 A. McCaslin and Bradley.

17 Q. Yeah. And let's see. Did they have long  
18 guns that night?

19 A. Yes.

20 Q. Did they have their extra body armor on?

21 A. Yes, in that -- my recollection of all the  
22 officers I saw respond, they put that armor on. I  
23 can't...

24 Q. This suspect had been involved in an officer  
25 shooting?

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1 Q. Which officers?

2 A. I'd have to look in the report.

3 Q. Of course. And while you're doing that, is  
4 it -- the suspect had already been hauled off at that  
5 time, correct?

6 A. Yes.

7 Q. Was there a search warrant associated with  
8 this arrest?

9 A. I don't remember.

10 Q. Go ahead.

11 A. Well, okay. I'm on the wrong case here, I  
12 think. It's hard for me to tell with everybody  
13 redacted.

14 Q. Don't you wish you had the original?

15 A. That's about the right date, if that's the  
16 incident I'm thinking of.

17 Okay. Yeah, I'm sorry, the incident that I  
18 just referred to, the correct case number for that is  
19 07606.

20 Okay. It says in here I sent Officers  
21 Wardwell, Kelly, Bradley, and McCaslin to secure and  
22 clear trailer number -- and the number is redacted --  
23 to make sure the trailer was safe.

24 Q. Okay. All right. Was the door opened?

25 A. It says in the report here that it was locked

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1 A. The suspect was shot by one of our officers.  
2 Q. Oh, I see. Yes, I remember that situation.  
3 All right. And so -- well, actually, what was there to  
4 clear at that point? I mean, the suspect was shot,  
5 correct?

6 MS. WESTBY: Object to the form of the  
7 question.

8 MR. GOSMAN:

9 Q. I really am trying to figure out -- I do  
10 remember that incident. I'm trying to figure out how  
11 we had a true dynamic room-clearing situation there,  
12 whether you did it or DCI.

13 MS. WESTBY: Object to the form of the  
14 question.

15 MR. THOMPSON: Join.

16 MR. GOSMAN:

17 Q. The threat had been removed; isn't that true?

18 MR. THOMPSON: Objection as to form.

19 THE WITNESS: The known threat had been  
20 removed.

21 MR. GOSMAN:

22 Q. And there was no other indication that there  
23 were any other threats than that individual who had  
24 been shot by one of the officers?

25 MR. THOMPSON: Objection as to form.

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<p>1 MS. WESTBY: Join.</p> <p>2 THE WITNESS: No.</p> <p>3 MR. GOSMAN:</p> <p>4 Q. And you're not sure whether DCI went into 5 that trailer or your officers did, correct?</p> <p>6 A. No, I'm not. Based on the report, it is 7 unclear.</p> <p>8 Q. Okay. So let's go on.</p> <p>9 A. Okay. Let me see if I can recognize these 10 incidents.</p> <p>11 Q. I tried to hold it up to the light to see if 12 I could read the names, but your redaction was pretty 13 good.</p> <p>14 A. Well, you should have copied versions of 15 those here.</p> <p>16 Okay. Case Number 05908. We were serving an 17 arrest warrant on a subject connected to a DCI drug 18 case. There were information regarding the suspect 19 being armed. And, again, it's not articulated in the 20 report here. Oh, yeah, it is. And that he had with 21 him a rifle and a handgun.</p> <p>22 While we were getting set up outside the 23 house, he came out. We arrested him on the front lawn. 24 There were other occupants at the house. I believe a 25 number of our officers essentially conducted a dynamic</p>		<p>1 question.</p> <p>2 MR. THOMPSON: Join.</p> <p>3 THE WITNESS: Other than the statements that 4 are -- that the place was entered and cleared.</p> <p>5 MR. GOSMAN:</p> <p>6 Q. Could you go back to that, Chief, and let me 7 just take a peek at it.</p> <p>8 A. In the investigation section of the report, 9 the -- one, two -- third paragraph, last sentence.</p> <p>10 Q. Okay. Thank you.</p> <p>11 Says nothing else of interest was found in 12 the -- I'm sorry, part of the wrong paragraph. Go 13 ahead. I just picked up he cleared. Okay. Entered 14 the house.</p> <p>15 Yeah, it doesn't say cleared though, does it?</p> <p>16 A. Just says they entered the house, took 17 another person into custody.</p> <p>18 Q. All right. Okay. And let's see. And that 19 was officer -- oh, Miner was involved in entering the 20 house. All right. Very good.</p> <p>21 So is there anything else in here?</p> <p>22 A. Well, I guess that's what you're going to 23 find in the --</p> <p>24 Q. No, I want you to go through it and I want 25 you to tell me every other instance where there is,</p>	
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<p>1 entry on the house, cleared it, secured the rest of the 2 people, and then we continued with our follow-up 3 investigation.</p> <p>4 Q. Is there anything in that documentation that 5 says that?</p> <p>6 A. No. And it's going to be the case in every 7 last one of these reports. That wasn't the focus of 8 the investigation and the operation. It's just going 9 to say we entered and cleared. But what I'm telling 10 you is, the methodology they use to enter and clear was 11 dynamic entry and clearing.</p> <p>12 Q. Why? Why would you dynamically enter a home 13 when the suspect had come out and surrendered?</p> <p>14 A. Because that was the known threat. The 15 weapons hadn't been secured yet and there were other 16 people still in the residence.</p> <p>17 Q. Weren't they the ones that called the cops?</p> <p>18 A. No.</p> <p>19 Q. Didn't they come out and speak to the 20 officers during the course of this investigation?</p> <p>21 A. I don't remember without going back.</p> <p>22 Q. So there's no evidence in the report that a 23 dynamic entry was conducted by officers of the Powell 24 Police Department?</p> <p>25 MS. WESTBY: Object to the form of the</p>		<p>1 even arguably, a dynamic entry by a team in the 2 circumstances that we've discussed. I think you've 3 gotten most of the way through it.</p> <p>4 A. Well, no, there's a bunch more cases here.</p> <p>5 Q. Okay.</p> <p>6 A. And that's what I'm saying. That's what 7 you're going to find in each of them.</p> <p>8 Okay. Here's Case 06388, assisting DCI in 9 the service of search warrant. When the warrant was 10 served, Sergeant Eckerdt, Officer McCaslin, along with 11 Deputy Walton and TFO Lara entered the front of the 12 house. That's the only description.</p> <p>13 Q. We don't know whether it was a dynamic entry 14 or whether it was a warrant with a knock-and-announce?</p> <p>15 A. Based on our collective recollection as an 16 agency -- because when you sent this discovery request 17 out, I asked the officers to forward to me any cases 18 they were involved in in which a dynamic entry was 19 used. This case was put forward by the officers 20 involved. But that's all the report says.</p> <p>21 Q. All right. Let me see that, then, too.</p> <p>22 Okay. I'm going to take this document from 23 you for just a moment.</p> <p>24 Okay. Was the suspect home in that warrant?</p> <p>25 A. I don't know.</p>	

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1 Q. I can't remember whether it says there or  
2 not.

3 All right. So it didn't say -- it says that  
4 the officers entered the home. It doesn't say that it  
5 was a -- that there was any particular danger -- there  
6 were no objective threats that were identified in  
7 connection with execution of the warrant; isn't that  
8 true?

9 A. The report does not indicate that.

10 Q. Yeah.

11 A. Again, Mr. Gosman, your discovery request was  
12 copies of reports of incidents where a dynamic entry  
13 was used. And it's been a little difficult to find  
14 that. But if we define a dynamic entry as speed,  
15 surprise, and violence of action as the components that  
16 make up a dynamic entry, the officers that were  
17 involved in these cases said they qualify, even though  
18 the reports themselves do not specifically articulate  
19 that.

20 Q. Well, they don't say anything about it, do  
21 they?

22 A. Other than entry was made, the place was  
23 cleared, the place was secured. But when you send me a  
24 discovery request saying send me cases on this, I want  
25 to honor that request. So I went to them and said,

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1 give me any cases any of you can remember, within the  
2 parameters of your discovery request.

3 These are the ones that they put forth to me.  
4 I reviewed them. When it wasn't specifically in there,  
5 I went to them and asked. And they said, yes, it did.  
6 So this is what we have.

7 Q. All right.

8 A. And this does not include -- this does not  
9 include other involvement when we were assisting DCI or  
10 another agency, where our agency didn't cut a report on  
11 it.

12 Q. Didn't prepare a report?

13 A. Yeah. I just want you to understand I was  
14 doing all I could to honor your discovery request.

15 Q. And I'm just trying to figure out how the  
16 evidence that you've given me, based on the  
17 documentation, squares with the statements that you're  
18 making.

19 MS. WESTBY: Object to the form of that  
20 statement.

21 MR. GOSMAN: All right.

22 MR. GOSMAN:

23 Q. So let's go ahead and continue.

24 A. Okay.

25 Q. I think we've decided that some of these

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1 instances just did not involve dynamic entry. Isn't  
2 that true?

3 MS. WESTBY: Object to the form of the  
4 question.

5 MR. THOMPSON: Objection.

6 THE WITNESS: My testimony would be that,  
7 based on the officers involved in these incidents --  
8 recollection of the incidents, they did involve a  
9 dynamic entry as defined by speed, surprise and  
10 violence of action, even though the reports do not  
11 indicate that.

12 And I can tell you right now I remember from  
13 reviewing them before they were sent in on discovery,  
14 none of the reports are going to say a dynamic entry  
15 was done.

16 MR. GOSMAN:

17 Q. I don't know that we used dynamic entry in  
18 this case, but --

19 A. And none of these reports are going to  
20 describe the particulars of how it was done. Every  
21 last one of them, all it says is entered, secured,  
22 entered, cleared.

23 Q. All right. Okay. In that case -- hand it  
24 back to me -- I think what you're telling me is that  
25 every one of those documents involved a dynamic entry

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1 by some officers of the Powell Police Department.  
2 A. To the best of our ability to recall that and  
3 meet that definition of the dynamic entry, our  
4 understanding of it and honor your discovery request,  
5 yes.

6 Q. Okay. Well, the very first report here has,  
7 "Sergeant Kent going into an apartment. He drew his  
8 firearm before entering the unlocked apartment and they  
9 found the suspect sleeping in one of the bedrooms. We  
10 turned the room light on and identified ourselves as  
11 police officers."

12 And you're telling me that this case involved  
13 room clearing by armed officers in a dynamic entry?

14 MS. WESTBY: Object to the form of the  
15 question, asked and answered several times.

16 MR. THOMPSON: And misstates his prior  
17 testimony.

18 MR. GOSMAN: I don't think we actually  
19 referred to this thing at all before. This is the  
20 first one, very first incident.

21 MS. WESTBY: And he told you about all of  
22 them.

23 MR. GOSMAN: No, he darn sure didn't tell me  
24 about all of them.

25

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1 MR. GOSMAN:

2 Q. Anyway, it's Case 07-540.

3 MR. THOMPSON: Counsel, if it's going to  
4 speed things up, you might want to look at your  
5 original discovery request. You defined what you  
6 wanted the response to be for, so I think you  
7 included --

8 MR. GOSMAN: That's true.

9 MR. THOMPSON: -- a definition of dynamic  
10 entry. And those were responsive to that request.

11 MR. GOSMAN: Well, that's your statement.

12 MR. THOMPSON: No that's discovery signed  
13 under oath.14 MR. GOSMAN: Yeah, I did include a  
15 definition. You did include it in your answer. I'll  
16 take a look at that later.

17 MR. GOSMAN:

18 Q. But anyway -- let's see. Okay. The first  
19 case has Sergeant Kent walking through the unlocked  
20 door and going directly to the bedroom where the man's  
21 wife said that the suspect was located. All right.22 The second case, I think was the one where  
23 the man was shot. And we know in that case that the  
24 suspect came out of the house, tried to drive away and  
25 was shot by a Powell police officer, and then we're notTIM FEATHERS - November 23, 2010  
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1 sure who went into the house afterwards. Correct?

2 MS. WESTBY: Object to the form of the  
3 question.4 MR. GOSMAN: All right. It's in the record.  
5 We'll go on.6 MR. THOMPSON: If you're going to ask him  
7 questions, can he see the document?

8 MR. GOSMAN: Yes.

9 MS. WESTBY: It's okay. 'Cause he's not  
10 really having him answer. He's just making statements.

11 MR. GOSMAN:

12 Q. Well, this is the second case, and this is  
13 the one where the officer was shot.

14 A. Can I say something --

15 Q. Go ahead.

16 A. -- to help clarify some of this --

17 Q. Yeah.

18 A. -- and speed it up?

19 Q. Yes, you can.

20 A. In many of these incidents, in fact, probably  
21 in almost all of them, I was not present. I was not  
22 there. So when you ask me particulars about them, I  
23 most likely don't have firsthand knowledge.24 But in trying to answer your discovery  
25 request of incidents that the department has beenTIM FEATHERS - November 23, 2010  
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1 involved in, I had to reach out to the collective  
2 memory of my officers and ask them to forward these  
3 cases to me with the definition that was in the  
4 discovery request. And these are the cases they sent.5 So how they fit that definition, they would  
6 have to answer your particular questions. I wasn't  
7 there. I don't have the firsthand knowledge on that.  
8 If I know anything about any of them, it's  
9 just what I can glean from the report or what I may  
10 remember about what an officer told me.11 Q. Would it be safe to say that the best  
12 information that we have, then, about these incidents  
13 is that information that is contained in the reports?14 MS. WESTBY: Object to the form of the  
15 question.16 MR. GOSMAN: I am trying to cut a few corners  
17 here myself.18 MS. WESTBY: Well, object to the form of the  
19 question.

20 MR. GOSMAN:

21 Q. Because you weren't personally involved in  
22 any of these cases?

23 MR. THOMPSON: Objection as to form.

24 Go ahead, Chief.

25 THE WITNESS: Right, I was not personally

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1 involved in the cases. Your best evidence is going to  
2 be the testimony of the officers that were. They are  
3 not here.4 What you mean by your question is the best  
5 evidence we have available in front of us right now, at  
6 this moment, is going to be those statements in those  
7 reports that are very general in scope and nonspecific  
8 but that the officers involved forwarded those cases to  
9 me as meeting the definition of dynamic entry.

10 MR. GOSMAN:

11 Q. Well, and see, here's one where you were  
12 involved. Chief Feathers deployed two other  
13 enforcement teams to areas near -- I know that in some  
14 of these cases you were actually involved -- were  
15 advised that the suspect was on the back porch outside  
16 in the backyard. And this is Case No. 091443.17 So came out of the house, Officer Sapp  
18 approached the porch, put handcuffs on the suspect and  
19 searched him. He was later removed from the scene.  
20 Okay. The immediate action team and Team 2 entered the  
21 house and cleared the area.

22 Do you remember that particular incident?

23 A. I do.

24 Q. Okay. Tell me about that incident.

25 A. It was a domestic violence incident where a

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1 man had threatened his wife with several weapons, had  
2 bound her, held her overnight. She -- I think he let  
3 her go to work in the morning. She reported the  
4 incident. We were -- we responded to it, set up an  
5 emergency action team outside the residence.

6 While we were in the process of attempting to  
7 have our negotiator contact him, he stepped outside on  
8 the porch, was confronted by an officer at gunpoint and  
9 taken into custody.

10 Once he was in custody, not knowing whether  
11 or not there was anyone else still in the residence,  
12 unsecured weapons in the residence, the emergency  
13 action team entered the residence using dynamic  
14 clearing principles and cleared and secured the  
15 residence for us to continue then, our investigation.

16 Q. The man lived with his wife, correct?

17 A. Yes.

18 Q. And you knew she wasn't a suspect?

19 A. Yes.

20 Q. Who else would have been in the house?

21 Did she say that there was anybody else in  
22 the house or there might --

23 A. No.

24 Q. -- even be someone else in the house?

25 A. No.

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1 Q. In fact, didn't she tell you that he was the  
2 only one in the house?  
3 A. She may have. I don't remember.  
4 Q. All right. Well, I don't see anything in  
5 091443 that indicates that there was even anybody else  
6 in the trailer or suspected to be in the trailer, and  
7 the suspect had come out of the trailer and was secured  
8 outside the trailer. So I don't know how you could say  
9 that there was an objective circumstance there that  
10 would require a dynamic entry.

11 MR. THOMPSON: Objection as to form.

12 MR. GOSMAN:

13 Q. And we don't see anything in the report that  
14 suggests that the officers entered as a team and went  
15 room to room in a clearing operation.

16 MS. WESTBY: Object to the form of the  
17 question. I don't know even what the question is.

18 MR. GOSMAN:

19 Q. Isn't that true?

20 MR. THOMPSON: Object as to form.

21 MS. WESTBY: Join.

22 THE WITNESS: All I can tell you is those are  
23 the cases that seem to meet your request for discovery,  
24 and we presented them. That's --

25

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1 MR. GOSMAN:

2 Q. You were there for that one, though, correct?  
3 A. Which one is this?  
4 Q. This is the one with the fellow that was  
5 thinking about committing suicide and it was a domestic  
6 dispute. And the wife got out and they set up a team  
7 and they went to the house and he came out on the  
8 porch.

9 A. What's the case number?

10 Q. 091443. You should know. Yeah, it says "the  
11 department was advised by Chief Feathers that based on  
12 the information" --

13 A. I was in the command post. I wasn't at the  
14 residence.

15 Q. Where was the command post?

16 A. About a block and a half away in a church  
17 parking lot.

18 Q. Okay. Are there any policies for room  
19 clearing or dynamic entry in a warrant service?

20 I mean, do you use dynamic entry every time  
21 there's -- you're at a house and you take a suspect  
22 into custody and you go into the house?

23 MS. WESTBY: Object to the form of the  
24 question.

25 MR. THOMPSON: Join.

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1 THE WITNESS: If the question was do we use  
2 dynamic entry every time, no.

3 MR. GOSMAN:

4 Q. All right. Well, what we have here are a  
5 group of documents where, almost to a case, if not, in  
6 fact, to each of the cases that are -- that were  
7 submitted here, there is no -- the suspect has either  
8 come out of the house and been arrested or the  
9 situation simply did not involve clearing the house at  
10 all.

11 And I'm trying to figure out how it is that  
12 those situations are the same as the dynamic entry that  
13 was planned in the Wachsmuth residence.

14 MS. WESTBY: Object to the form of the  
15 question. Asked and answered over and over again.

16 MR. GOSMAN:

17 Q. We know for a fact that the objective dangers  
18 are removed in nearly every one of these cases, and it  
19 appears, at least in the one case that I did read, that  
20 Sergeant Kent just walked to the back of the -- or  
21 perhaps it was Brown. But anyway, one of the officers  
22 just walked to the back of the trailer and got the guy  
23 out of bed.

24 MR. THOMPSON: Misstates the evidence.

25 MS. WESTBY: Same objection.

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1 MR. GOSMAN:

2 Q. If the objective danger is removed, what is  
3 the purpose of dynamic entry?

4 MS. WESTBY: Object to the form of the  
5 question. Incomplete hypothetical.

6 MR. GOSMAN:

7 Q. That was a question, Chief.

8 A. Well, again, in the context of these cases  
9 you're talking about, all I can say is in attempting to  
10 answer your discovery request, we tried to find cases  
11 that met the definitions there.

12 I don't know. Maybe they don't meet your  
13 definition and we just give you a bunch of cases that  
14 weren't what you were interested in. But I wanted to  
15 make sure we made a good faith effort to honor your  
16 discovery request and not exclude anything that could  
17 potentially meet your definition.

18 Maybe what we did was provided you cases that  
19 just didn't meet that definition. I don't know.

20 Q. Here's another one, 0:098. This one,  
21 investigation by Sergeant Kent. Somebody had arrived  
22 at the house that morning who had a rifle and a  
23 handgun. Miner took cover south of the house, Chief  
24 Feathers arrived. Miner and Blackmore held positions  
25 near an open window on the south side of the house.

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1 you've called dynamic entry, and I see no reason for a  
2 dynamic entry or even reference to a dynamic entry in  
3 them, the ones that I've seen so far.

4 And so the first one of these cases is case  
5 Number 07540. And this is the case where "Sergeant  
6 Kent and I went over to the apartment. I drew my  
7 firearm before entering the unlocked apartment. We  
8 found the individual sleeping in one of the bedrooms.

9 "We turned the room light on and identified  
10 ourselves as police officers. I told him to keep his  
11 hands visible and informed him he was under arrest. He  
12 got out of bed and got dressed. I placed handcuffs on  
13 him, double-checking him for tightness."

14 And there's no reference here to going back  
15 to searching -- and searching the house.

16 Can you show me anything in this case, this  
17 first case that we're looking at here that would  
18 indicate that there was a dynamic entry to the  
19 residence with room clearing and -- well, with room  
20 clearing?

21 A. No, I can't, not based on the report.

22 Q. All right. And let's -- okay. The second  
23 case is 091443. We talked about that. That was the --  
24 okay, yes, this was the case where the man in a  
25 domestic dispute came out to the back porch and outside

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1 Through the window they could see the suspect lying on  
2 the couch. After several minutes the front door opened  
3 and the suspect came out.

4 Officer Miner pointed his handgun at the  
5 suspect and ordered him to the ground. He was  
6 transported to the LEC by Officer Bradley. DCI -- I  
7 think one of the owners or companions in the house  
8 signed a DCI consent to search.

9 Miner and Wardwell searched the house. It  
10 doesn't say anything at all about a dynamic entry or  
11 even the need for one since the suspect came out,  
12 again, and had been arrested.

13 Now, I haven't gone through all of these, but  
14 most of them, every one that I've seen so far, the  
15 suspect has -- well, there is one exception, but the  
16 suspect has come out of the house. And in the case  
17 where the suspect was in the house, he was asleep in  
18 the bedroom, and the officer, in his report stated that  
19 he opened the unlocked door and just walked to the back  
20 of the bedroom.

21 A. Okay.

22 Q. Okay. So I think it's going to be worth  
23 while to go through each one of these cases so that I  
24 can get a feel from you -- I want -- you're the only  
25 witness I have here. And these are examples of what

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1 the backyard. This was in the home. There was a woman  
2 and her son. She was the one that called the police.  
3 There's no evidence of guns -- we can't say  
4 for sure that there's no evidence of guns in the  
5 residence.

6 It does say the immediate action team entered  
7 the house and cleared the area. It doesn't say that  
8 they -- that it was a dynamic entry with the officers  
9 using room clearing techniques, et cetera, correct?

10 A. Correct. And none of these reports will say  
11 that. I've already reviewed them when we submitted  
12 them. None of them say that.

13 Q. Okay. All right. Well, in this case, we --  
14 again, we had the suspect secured and taken to jail  
15 before anyone even entered the house?

16 MR. THOMPSON: Counsel, it might help to read  
17 your definition of dynamic entry which was responsive  
18 to these interrogatories.

19 MR. GOSMAN: Yes.

20 MR. THOMPSON: "Means entering into a  
21 residence or structure by means of rapid entry into and  
22 rapid movement through the residence or structure. It  
23 usually but may not always involve a diversionary  
24 device, such as a flashbang."

25 "Dynamic entry as used here means an entry

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1 where force is contemplated and a team of officers 2 consisting of more than three officers are assigned to 3 effect the entry.  4 MR. GOSMAN: Okay.  5 MR. THOMPSON: I <sup>f</sup> the City of Powell Police 6 Department has a working definition of a term dynamic 7 entry, it may respond to the discovery below by 8 reference to its own definition."  9 MR. GOSMAN: Okay. Did you do that? Were 10 you using the definition that I supplied?  11 THE WITNESS: I was focusing on rapid entry 12 and rapid movement through.  13 MR. GOSMAN:  14 Q. In the first case it looks like there were 15 just two officers in the residence, Kent and Danzer. 16 In the second case, again, the suspect had 17 been taken away to jail. And it was only after that 18 happened that the team entered the house. And that's 19 the only information we have about that case. 20 Okay. 07606 is the next case. And this was 21 the case where the man came out of the trailer and was 22 trying to leave the area and apparently he had guns 23 with him. And he was shot by a police officer. 24 Let's see what it says about the -- yeah, 25 yeah. I see. Is Kevin Schmidt still with the Powell		1 what Officer Schmidt had told me regarding the 2 discharge of his weapon." 3 Okay. You don't have any recollection of 4 that incident, whether your officers ended up clearing 5 the residence? 6 A. No. 7 Q. Okay. It does on the last -- let's see. On 8 page 24 of the reports, this is McCaslin. 9 "Sergeant Kent requested that officers 10 Bradley, Wardwell, Kelly and I, Kent, Bradley and 11 McCaslin, along with Wardwell and Kelly, clear the 12 trailer at Queens. 13 "The door was locked when we first 14 approached. We waited until DCI agent Steve Hermann 15 brought the keys to us and gave them to me. I unlocked 16 the door and we cleared the trailer." 17 Okay. The trailer was cleared by the Powell 18 Police Department that evening. It was empty. I think 19 it was clear that it was empty before they went into 20 it. And certainly, they wouldn't have been engaged in 21 a dynamic entry room-clearing situation similar to what 22 took place in the Wachsmuth's -- in those 23 circumstances, wouldn't you agree? 24 MR. THOMPSON: Objection as to form. 25 MS. WESTBY: Join.	
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1 Police Department? 2 A. Yes.  3 MR. THOMPSON: Can you redact his ramblings? 4 I don't want to pay for that.  5 MR. GOSMAN: That's a good idea.  6 MR. THOMPSON: There's a condensed version 7 and the defense counsel version.  8 MR. GOSMAN:  9 Q. Okay. And in this case where the individual 10 was shot outside the home, we previously discussed that 11 it's hard to tell from the report whether DCI went into 12 the home or whether the patrol officers from Powell 13 Police Department went into the home.  14 Do you have any recollection at this time 15 whether DCI, in fact, went into that trailer?  16 A. No.  17 Q. Was there anybody in the trailer at that 18 time?  19 A. Not that I remember.  20 Q. "I talked with Agent Wachsmuth about 21 retrieving the keys so the trailer could be cleared. 22 He told me that he was told to leave the keys in the 23 ignition until they could be photographed.  24 "Officers stayed at the trailer until it 25 could be cleared. I showed and told Agent Wachsmuth		1 THE WITNESS: You're making a lot of 2 presumptions in there that I don't know, so I don't 3 know that I can agree to that statement. Again, all I 4 can say is, is based on the definition in your request 5 or discovery, these are the cases that we felt would 6 meet that definition of a rapid entry and rapid 7 movement. 8 We were just trying to comply. If they don't 9 meet what you were looking for, then I'm sorry, we gave 10 you something you didn't want. 11 MR. GOSMAN: 12 Q. Well, if the trailer is empty and you know 13 that the trailer is empty and the suspect has been 14 taken away, why would there be rapid response and -- 15 with room clearing tactics? 16 MS. WESTBY: Object to the form of the 17 question. 18 MR. THOMPSON: Join. 19 Go ahead. 20 MR. GOSMAN: 21 Q. Go ahead. 22 A. Because that would be the safest and most 23 appropriate way to clear it. 24 Q. An empty trailer? 25 MR. THOMPSON: Objection as to form.	

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1 MS. WESTBY: Join.  
 2 THE WITNESS: A presumed empty trailer by  
 3 you.  
 4 MR. GOSMAN:  
 5 Q. The officers who are going into the trailer  
 6 are apprized of the facts of the situation, are they  
 7 not?  
 8 A. What facts are those?

9 Q. Well, those facts are that the suspect had  
 10 been shot and taken to the hospital and there was no  
 11 one in the trailer.

12 A. They were never apprized that there was no  
 13 one in the trailer that I'm aware of. The known  
 14 suspect had been taken into custody. It doesn't  
 15 preclude the possibility of there being someone else in  
 16 there with access to the weapons that were inside.

17 Q. Officer -- and I'm reading from the same  
 18 report, this is page 20. Officer Bradley and I were  
 19 informed of the situation by Sergeant Kent. Kent  
 20 advised that a male was in trailer number such and such  
 21 have on Queens Boulevard.

22 The male was possibly suicidal, was armed  
 23 with a 9mm handgun. The male had already fired off a  
 24 round in the trailer. The other occupants of the  
 25 trailer had since left the trailer.

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1 MS. WESTBY: Object to the form of the  
 2 question.

3 MR. GOSMAN:

4 Q. I assume that was evidence that would have  
 5 been communicated to the entry team, was it not?

6 MR. THOMPSON: Objection as to form.

7 MS. WESTBY: Join.

8 THE WITNESS: Again, Mr. Gosman, based on the  
 9 fact that the known persons are removed from the  
 10 trailer, you're asking my officers to presume there  
 11 will not be any threat in there and walk into a  
 12 situation where they know loaded firearms remain.

13 I don't expect them to take those kind of  
 14 foolish risks with their lives. They use a safe and  
 15 appropriate method to clear the trailer.

16 Q. And you really have no idea what method that  
 17 was, correct?

18 MR. THOMPSON: Objection to form.

19 MR. GOSMAN:

20 Q. Because you weren't there and the report  
 21 doesn't say anything about how they entered the trailer  
 22 or what they did.

23 MS. WESTBY: Okay.

24 THE WITNESS: And I believe I explained that,  
 25 which this really causes me to wonder now why I'm even

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1 being asked these questions, since I've said I wasn't  
 2 there and I've said these reports were produced based  
 3 on your definition in your discovery requests and were  
 4 forwarded to me by the officers who were there. They  
 5 are the ones that can answer these questions, not me.  
 6 MR. GOSMAN:

7 Q. We don't have them and we have this  
 8 information.

9 MR. THOMPSON: Well, Counsel, that's your  
 10 fault, you didn't ask them the questions. And would  
 11 you please sit down. You're standing about an inch  
 12 away from the deponent.

13 MR. GOSMAN: Yeah. Okay. I will.

14 MS. WESTBY: And you're being offensive.

15 MR. GOSMAN:

16 Q. All right. Well, let's see.

17 MR. THOMPSON: Those are all questions you  
 18 could have asked each one of those officers because we  
 19 timely produced that discovery.

20 THE WITNESS: While you're looking at that,  
 21 can I step out to the restroom?

22 MR. GOSMAN: Yes, you can.

23 (Recess taken 6:33 p.m. to  
 24 6:46, November 23, 2010)

25

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1 MR. GOSMAN:

2 Q. Show you this again. I noticed in Case  
 3 Number 07-606, which was the case where the man was  
 4 shot, that as the officers were securing the scene  
 5 before the man came out of his trailer, it indicates --  
 6 and this is Matt McCaslin, "Danzer and I cleared  
 7 trailers 27 through 30 and advised the command post who  
 8 we evacuated."

9 And I assume that the term cleared here is  
 10 used not in the sense that there was a dynamic entry  
 11 and that each room of the house was cleared but that  
 12 they went in to warn folks that there was a problem in  
 13 the neighborhood and they needed to evacuate.

14 A. Since we were doing a neighborhood  
 15 evacuation, I would presume that, but it is a  
 16 presumption on my part.

17 Q. And then the next report is case  
 18 Number 07-98. And in this case, it does appear that  
 19 there was a breaching of the door. This is the case  
 20 where the individual was observed in the room and  
 21 refused to come to the door. And there was also a  
 22 woman in the house.

23 And Chad Miner with Sergeant Kent breached  
 24 the interior door that was also shut announcing myself  
 25 as I went with Sergeant Kent -- and I'm reading from

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1 page 3 of that report.

2 And they found the suspect in the kitchen  
3 area of the house and took him into custody and  
4 observed the other suspect, a woman, in the house who  
5 apparently had a warrant for her arrest. Do you  
6 remember that?

7 A. (Witness shakes head.)

8 Q. Okay. In the house as well. She was also  
9 removed from the house and taken down and charged. She  
10 was placed under arrest. And it doesn't say anything  
11 at all about clearing the house or searching it, either  
12 one.13 And I'd like you to take just a minute and  
14 confirm that that's true, that there's no reference in  
15 this report to clearing the house or searching it.

16 MR. THOMPSON: Objection.

17 MS. WESTBY: I object to the form of the  
18 question. He already said he didn't know about this  
19 case. He's already told you that the reports are not  
20 always going to reference the specific things you're  
21 asking for. It's terminology that you use, not that  
22 the police department uses. I object to the form of  
23 the question.

24 MR. THOMPSON: Join.

25 THE WITNESS: Okay. What was I looking for

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1 Do you see any evidence in that report that  
2 would support that?

3 A. Not in the report.

4 Q. And the next case is 05908. It's the last  
5 one. And you were apparently present at this incident.  
6 And this was where the -- after several minutes the  
7 front door opened and the individual came outside. He  
8 was secured.9 Okay. And then in this case, someone else  
10 signed a consent to search the house, Miner and  
11 Wardwell searched the house and took pictures. There's  
12 no evidence or indication in this report that there was  
13 any room clearing or dynamic entry involved in this  
14 house, would you agree with me?15 A. In the -- one, two -- third paragraph it says  
16 Officer Miner, Wardwell entered the house and had -- a  
17 redacted name of a person -- prone out on the floor.  
18 Redacted name, was handcuffed and taken outside.19 Q. Yeah, he was actually outside the house and  
20 apparently he went back into the house?21 A. No, this was a second subject that was in the  
22 house.

23 Q. Oh, second subject okay.

24 All right. Well, and, of course, that can  
25 happen in any circumstance. It doesn't have anythingTIM FEATHERS - November 23, 2010  
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1 in here?

2 MR. GOSMAN:

3 Q. Yes, any statement that the rooms were  
4 cleared or the house was searched.

5 A. Nope, didn't see any.

6 Q. Okay. And the next case is 06-388. This was  
7 a -- a situation where Officer Kent was requested by  
8 DCI to assist in a warrant service. And Sergeant  
9 Eckerdt, McCaslin and -- Deputy Walton, that would be  
10 Park County Sheriff's Office, I assume -- and TFO Lara.11 At that time Lara was working for DCI; is  
12 that true?13 A. Well, he was a Powell police officer assigned  
14 to the team as a task force officer.

15 Q. Okay.

16 A. He was still a City of Powell employee.

17 Q. Okay. All right. And the warrant was  
18 served, Sergeant Eckerdt, Officer McCaslin, along with  
19 Deputy Walton and TFO Lara entered the front of the  
20 house. The house was searched.21 And, again, I don't see any evidence here  
22 that the house was cleared in the room clearing fashion  
23 that we're talking about in connection with a -- with a  
24 dynamic entry similar to the one that was effected on  
25 the Wachsmuth residence.TIM FEATHERS - November 23, 2010  
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1 to do with dynamic entry, the fact that a second  
2 suspect is in the house and the officers have entered  
3 it.4 A. Unless we used a dynamic entry as defined in  
5 your discovery request and entered the house through  
6 rapid movement, rapid entry and movement to locate and  
7 arrest that suspect.8 Q. Yes. All right. But we don't see any  
9 evidence that that actually occurred. There's nothing  
10 in the language of the report that would indicate that  
11 occurred in this case, correct?12 MS. WESTBY: Object to the form of the  
13 question. He's already stated over and over and over  
14 again that these were produced because they were  
15 responsive to your requests. The production is done  
16 according to the rules. That's evidence of that.

17 MR. GOSMAN: Okay.

18 MR. GOSMAN:

19 Q. So in the report itself, is there anything  
20 that indicates that a dynamic entry was used into the  
21 house and that it was -- there was room clearing that  
22 took place?

23 A. Not in the report.

24 Q. Okay. Well, that takes care of that.

25 A. Whew.

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<p>1 Q. Yes, thank you very much.</p> <p>2 On the 24th of February, 2009, as we know, a</p> <p>3 warrant was served on the home of Bret and Tricia</p> <p>4 Wachsmuth.</p> <p>5 When did you become aware of this pending</p> <p>6 warrant service?</p> <p>7 A. I first became aware that we were</p> <p>8 investigating an allegation of a marijuana grow</p> <p>9 operation involving Bret Wachsmuth midafternoon.</p> <p>10 Q. And was that in communications you had with</p> <p>11 Officer Miner?</p> <p>12 A. Sergeant Kent and Officer Miner.</p> <p>13 Q. All right. Do you remember who contacted you</p> <p>14 first?</p> <p>15 A. I'm not sure.</p> <p>16 Q. Did you have any information that you</p> <p>17 requested of them at the time you communicated first</p> <p>18 with either officer about this case?</p> <p>19 A. Did I ask them for information?</p> <p>20 Q. Yes.</p> <p>21 A. They were briefing me on the initial report</p> <p>22 and the investigation they were initiating.</p> <p>23 Q. All right. What was their report to you, as</p> <p>24 best you remember?</p> <p>25 A. Substance, I don't remember. In general,</p>		<p>1 A. Without going back and reviewing the policy</p> <p>2 and looking at the case file, I don't know.</p> <p>3 Q. Do you know how much experience Officer</p> <p>4 Miner -- did you know at the time, how much experience</p> <p>5 Officer Miner had in marijuana grow operations?</p> <p>6 A. I'm not sure what I knew at the time.</p> <p>7 Q. Did you communicate with Officer Miner or</p> <p>8 Sergeant Kent about the involvement of Lt. Patterson in</p> <p>9 the execution of the search warrant?</p> <p>10 A. What do you mean by communicate about</p> <p>11 Lt. Patterson's involvement in the execution of a</p> <p>12 search warrant?</p> <p>13 Q. Lt. Patterson testified that he was asked to</p> <p>14 provide assistance in the form of his SRG unit. Did</p> <p>15 you know about that?</p> <p>16 MS. WESTBY: Object to the form of the</p> <p>17 question. Misstates the testimony.</p> <p>18 MR. THOMPSON: Join.</p> <p>19 MS. WESTBY: Go ahead.</p> <p>20 THE WITNESS: I never asked for nor</p> <p>21 authorized anyone to ask for the assistance of the Park</p> <p>22 County Sheriff's Office SRG team.</p> <p>23 MR. GOSMAN:</p> <p>24 Q. You remember Lt. Patterson testifying to that</p> <p>25 effect, do you not?</p>	
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<p>1 they were just telling me that there was an informant</p> <p>2 that had given them this information and they were</p> <p>3 going to begin the investigation.</p> <p>4 Q. Okay. Did you review the affidavit for the</p> <p>5 search warrant?</p> <p>6 A. No.</p> <p>7 Q. Did you visit with either Officer Miner or</p> <p>8 Sergeant Kent about developing information from the</p> <p>9 confidential informant?</p> <p>10 A. What do you mean "developing information from</p> <p>11 the confidential informant"?</p> <p>12 Q. Well, the City of Powell has policies and</p> <p>13 procedures for utilizing a confidential informant, does</p> <p>14 it not?</p> <p>15 A. Yes.</p> <p>16 Q. And are those to be used in every case where</p> <p>17 a confidential informant is employed?</p> <p>18 A. Yes.</p> <p>19 Q. Did you ask them whether or not they had</p> <p>20 acquired any of the information that's set out in those</p> <p>21 policies?</p> <p>22 A. No.</p> <p>23 Q. Did you assume that that was being done?</p> <p>24 A. Yes.</p> <p>25 Q. Was it -- was it done?</p>		<p>1 A. No.</p> <p>2 Q. Did you understand that Lt. Patterson was</p> <p>3 being consulted in connection with the case?</p> <p>4 A. Yes.</p> <p>5 Q. And what was your understanding of his role</p> <p>6 then?</p> <p>7 A. That he was being consulted for his</p> <p>8 background and experience regarding marijuana grow</p> <p>9 operations and the interview with the informant and in</p> <p>10 assisting with the drafting of the affidavit for search</p> <p>11 warrant.</p> <p>12 Q. All right. Were you aware of the fact that</p> <p>13 he was in charge of the Park County SRG unit?</p> <p>14 MS. WESTBY: Object to the form of the</p> <p>15 question.</p> <p>16 THE WITNESS: Well, I am now. But I don't</p> <p>17 know if I was then. I probably was.</p> <p>18 MR. GOSMAN:</p> <p>19 Q. And do you remember thinking about whether,</p> <p>20 since it appeared clear at some point in the course of</p> <p>21 the afternoon or early evening that you were</p> <p>22 considering a dynamic entry, that you might want to</p> <p>23 consult with Lt. Patterson about his SRG team and see</p> <p>24 if you could get his expertise and the expertise of his</p> <p>25 team to assist in this warrant service?</p>	

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1 MR. THOMPSON: Objection as to form.  
2 MS. WESTBY: Join.  
3 THE WITNESS: I was not considering a dynamic  
4 entry at any point during the afternoon.  
5 MR. GOSMAN:  
6 Q. When did you begin to consider that?  
7 A. Later in the evening after there had been a  
8 full debrief of the informant and Sergeant Kent called  
9 me at home to give me the information that they  
10 possessed and we discussed various options.

11 Q. What was the information that was conveyed to  
12 you by Sergeant Kent at that time?

13 A. That there was a report of a marijuana grow  
14 operation, that it involved a number of plants. I  
15 don't remember the estimated number right now, but I  
16 believe it was somewhere around a dozen plants.

17 That the informant also reported that they  
18 were receiving prescription medication through the  
19 mail, hidden in stuffed animals from Tricia Wachsmuth's  
20 mother, and that there may be prescription meds there  
21 as well.

22 That Bret Wachsmuth had strategically placed  
23 loaded firearms around the home, that he sometimes  
24 carried a loaded firearm, that he was paranoid, that  
25 they would peek out the windows a lot, that he had some

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1 be served.  
2 Q. The decision had already been made to call  
3 the team -- nearly every officer in the Powell Police  
4 Department together to serve this warrant. Certainly,  
5 that wouldn't have been necessary unless the decision  
6 had already been made to serve the warrant with at  
7 least an option of dynamic entry, correct?  
8 A. I think you're making some wrong assumptions  
9 there.

10 Q. Go ahead. Clear them up.

11 A. As the planning was being developed there was  
12 contingency planning taking place of how to go about  
13 serving a search warrant, serving this search warrant  
14 under these circumstances. No final decisions had been  
15 made at this point.

16 However, I did instruct Sergeant Kent that he  
17 was to oversee the investigation and that he was to  
18 task Sergeant Chretien with developing a plan for the  
19 safe execution of the search warrant given the totality  
20 of the circumstances of the information presented to us  
21 and that I wanted to review that plan before it was  
22 finalized.

23 Q. And when did you review that plan before it  
24 was finalized?

25 A. Later that evening in a phone call from

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1 form of a prior mental health history.

2 That Sergeant Eckerd had seen this picture  
3 on MySpace with Bret and Shawn wearing body armor and  
4 holding rifles.

5 That the informant had called Bret and told  
6 him that he was going to turn him into us, so Bret had  
7 been forewarned that we were aware of his grow  
8 operation.

9 That -- I believe at the time of the first  
10 call, Officer Miner was in the process of getting the  
11 warrant. I don't know that he had obtained it yet.  
12 And we talked about some various options.

13 Q. Okay. Now, it's true, is it not, that  
14 Officer Lara and Officer Eckerd did not produce their  
15 contributions to this case until after they had been  
16 called down to the police station to assemble for the  
17 warrant service?

18 MR. THOMPSON: Objection as to form.

19 MS. WESTBY: Join.

20 THE WITNESS: My understanding is that they  
21 shared that information during the briefing process.

22 MR. GOSMAN:

23 Q. How do you describe the briefing process?  
24 A. The process where the officers gathered and  
25 the plan was developed on how the warrant was going to

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1 Sergeant Chretien.

2 Q. What time was that?

3 A. I don't know.

4 Q. Had the officers already assembled at the  
5 station?

6 A. I believe so.

7 Q. What other contingencies were being  
8 considered at that time?

9 A. What time?

10 Q. The time that you made the plan to use the  
11 dynamic entry. Or made the decision to approve the  
12 dynamic entry, I'm sorry.

13 MS. WESTBY: Object to the form of the  
14 questions. Misstates the testimony.

15 MR. THOMPSON: Join.

16 THE WITNESS: If your question is what  
17 options did I consider prior to landing on the decision  
18 to use the dynamic entry -- the potential for a dynamic  
19 entry?

20 MR. GOSMAN:

21 Q. Actually, you said the final decision was  
22 made when you spoke with Sergeant Chretien and that  
23 this was during the period that he was briefing the  
24 officers, correct?

25 MR. THOMPSON: Objection as to form.

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1 MS. WESTBY: Join.

2 MR. GOSMAN:

3 Q. Okay. Go ahead. Tell me where I'm wrong  
4 there. Let's clear it up.

5 A. I got a phone call from Sergeant Chretien  
6 later in the evening after the plan had been developed,  
7 okay. I don't know at what point in that briefing  
8 process this was. I believe there were already  
9 officers assembled at the office. I don't know how far  
10 along they were. I don't know what involvement they  
11 had had. That's when he called me and we went over the  
12 plan that he had come up with.

13 Q. Would it be fair to say that  
14 Sergeant Chretien would probably not be assigning  
15 officers to an entry team and to deploy a flashbang  
16 device and so on and so forth without the final  
17 approval from you that such a plan would go forward?

18 MS. WESTBY: Object to the form of the  
19 question.

20 MR. THOMPSON: Join.

21 THE WITNESS: Yes, he would be doing that  
22 before final approval because it is a contingency plan.

23 MR. GOSMAN:

24 Q. All right. He could have been doing it. Do  
25 you know whether he was doing it?

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1 MR. GOSMAN:

2 Q. All right. In fact, this document says Tom  
3 Wachsmuth stays in the lobby, doesn't it?

4 A. It does.

5 Q. So you've already decided that Tom is not  
6 going to have anything to do with this. You've  
7 eliminated that option, correct?

8 A. I don't know. I don't know when this  
9 document was written in relationship to my phone calls  
10 with my sergeants.

11 Q. That's fair enough. But we do know that it  
12 was written at the time that the officers assembled at  
13 the police station and that Marissa was called in to  
14 prepare this document --

15 A. At some point during that process.

16 Q. Let's see. Was there a point in the evening  
17 where Sergeant Chretien or someone suggested to you a  
18 dynamic entry, a possible dynamic entry?

19 A. That was one of the options we discussed.

20 Q. And at that time, did you -- at that time,  
21 were you aware that Lt. Patterson had been called in on  
22 the case and had assisted Officer Miner?

23 A. In gathering the search warrant?

24 Q. Yes.

25 A. Yes, I knew he'd been involved in assisting

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1 A. Yes.

2 (Exhibit 10 identified)

3 BY MR. GOSMAN:

4 Q. All right. Have you looked at Exhibit 10?

5 A. Not recently.

6 Q. Okay. You know what Exhibit 10 is; we've  
7 talked about it numerous depositions, correct?

8 A. Yes.

9 Q. And do you see anything on Exhibit 10 that  
10 indicates any other options that were being considered  
11 there with the officers at the time that Marissa  
12 Torczon prepared this report?

13 MS. WESTBY: Any other option other than --

14 MR. GOSMAN:

15 Q. Other than dynamic entry with the entry team  
16 defined and the roles of all of the officers and the  
17 information supplied regarding the Wachsmuths.

18 MR. THOMPSON: Objection.

19 MS. WESTBY: And other than the  
20 knock-and-announce or --

21 MR. GOSMAN: Well, yes, knock-and-announce.  
22 It was a knock-and-announce warrant, yes.

23 THE WITNESS: I see knock-and-announce.

24 Other than that, no, not on this document.

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1 with the search warrant.

2 Q. And you knew that his department had a -- an  
3 SRG unit, specially trained unit, to perform a team  
4 dynamic entry?

5 A. I knew they had a group called a special  
6 response group.

7 Q. And your testimony is that you did not know  
8 that Officer Miner asked Officer Patterson to assist  
9 with his SRG group?

10 MS. WESTBY: Object to the form of the  
11 question. Misstates the evidence and testimony.

12 MR. THOMPSON: Join.

13 THE WITNESS: No, I was not aware of any  
14 request made for the SRG.

15 MR. GOSMAN:

16 Q. Did you ever see Officer Patterson's report  
17 in this case?

18 A. Yes.

19 Q. Do you remember observing when you saw that  
20 report that, in fact, Officer Miner had spoken with him  
21 about this -- about being -- about inviting his team to  
22 assist in the Wachsmuth search?

23 MS. WESTBY: Well, if you're going to refer  
24 to the document, you need to show him the document and  
25 where that is

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1 MR. GOSMAN: Yeah, you're right. And I'm  
2 looking for it.

3 MR. GOSMAN:

4 Q. Okay. Let's have you turn to Exhibit 18 in  
5 the notebook.

6 Now, have you seen this document before?  
7 (Exhibit 18 identified)

8 THE WITNESS: Appears to be Lt. Patterson's  
9 report.

10 BY MR. GOSMAN:

11 Q. Okay. Have you seen this document before?  
12 A. Yes.

13 Q. Okay. And you notice there in the fourth  
14 paragraph, Sergeant Patterson -- Lt. Patterson advises  
15 Officer Miner that he needed to contact the sheriff to  
16 advise him of the fact that Powell was requesting our  
17 assistance and that this case was in the county?

18 A. Which paragraph?

19 Q. Paragraph 5, sorry.

20 MS. WESTBY: Object to the form of the  
21 question. It doesn't say anything about SRG.  
22 Kind of in the middle.

23 THE WITNESS: Okay. What that's referring to  
24 is, is that we had an informant at that time it was  
25 believed the location was in the county. It's in the

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1 A. That they would not be calling in their  
2 personnel on overtime for a warrant within their  
3 jurisdiction.

4 Q. Right. Okay.

5 A. It was within our jurisdiction, which is  
6 standard sheriff's office practice. They are not going  
7 to expend overtime to assist another agency.

8 Q. Well, it would appear, then, that he was  
9 requested at some point to assist the agency in the  
10 service of the warrant in the city of Powell when it  
11 was learned that the residence was actually in Powell  
12 and not out at Tom Wachsmuth's place, correct?

13 MR. THOMPSON: Objection as to form.

14 MS. WESTBY: Yeah, completely misstates the  
15 testimony.

16 THE WITNESS: That's not what that means to  
17 me.

18 MR. GOSMAN:

19 Q. Okay. All right. You never understood that  
20 officer -- Lt. Patterson had been requested by  
21 Officer Miner to provide his SRG to assist in this  
22 warrant service?

23 MR. THOMPSON: Objection as to form.

24 MR. GOSMAN:

25 Q. Go ahead.

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1 sheriff's jurisdiction and the sheriff was going to  
2 serve the warrant, not us, and they are only assisting  
3 us by making use of our informant to develop  
4 information for a search warrant and go execute it in  
5 their jurisdiction.

6 This was not a request for their SRG. At  
7 this point in the process, it was still believed that  
8 Bret and Tricia Wachsmuth lived out in Park County  
9 outside our jurisdiction.

10 MR. GOSMAN:

11 Q. Well, and did you just tell me that if that  
12 were the case that the Powell Police Department was  
13 requesting their assistance to execute the warrant in  
14 the county?

15 A. No, we were requesting their assistance to  
16 turn the case over to them because it's in their  
17 jurisdiction.

18 Q. Okay.

19 A. And we would be assisting them by providing  
20 them our informant.

21 Q. Okay. And then it does say in the second  
22 page, the third paragraph from the bottom, that he  
23 advised Officer Miner that since the case was in the  
24 city that he would be contacting his supervisor and  
25 advising...

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1 A. No.

2 Q. Do you know whether it was Lt. Patterson that  
3 initially suggested that the Powell Police Department  
4 contact Tom Wachsmuth and ask him to either call his  
5 son out or to obtain information about effecting this  
6 search warrant in the safest way possible?

7 A. The first discussion I had on that was with  
8 Sergeant Kent when we were discussing various options.

9 Q. This was in the early afternoon?

10 A. No. This is in the evening.

11 Q. All right.

12 A. And as far as I knew, that was Sergeant  
13 Kent's suggestion.

14 Q. Okay. And was it, in fact, Sergeant Kent's  
15 suggesting that to you?

16 A. No, it was just an option that he brought up  
17 in a range of options that we discussed and considered.

18 Q. All right. And what did you say to that?

19 A. Well, we discussed several options, one of  
20 which was getting Tom involved. Generally, that is not  
21 something I would do. Getting family members involved,  
22 you can introduce very uncertain variables that can  
23 cause a situation that could be potentially violent  
24 like this to spin out of control very quickly.

25 Q. Particularly if you don't know the parents?

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- 1 A. Particularly if you don't know the parents.  
 2 That's exactly right.  
 3 Q. In this case, you knew Tom Wachsmuth,  
 4 correct?

5 MS. WESTBY: Please let him finish his  
 6 answer.

7 THE WITNESS: Normally, I would not consider  
 8 that at all. Now, if you add in the variable that the  
 9 parent involved is a law enforcement officer, you  
 10 inject another element into this, okay.

11 MR. GOSMAN:

12 Q. Okay.

13 A. And that element is what happens if you serve  
 14 the warrant and you find nothing. You've just now left  
 15 yourself open to the appearance and the potential  
 16 accusation that you're showing favorites and you tip  
 17 them off.

18 So, even though that is another weight  
 19 against not considering using the parent, because we  
 20 had already considered and decided not to use several  
 21 other options, and we were coming down to either this,  
 22 or go knock-and-announce and hope they open up and let  
 23 us in and cooperate. And if not, we have to use the  
 24 dynamic entry.

25 I was willing to consider it figuring that if

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- 1 this would be successful, it would be worth any  
 2 potential risk we might run of an appearance of  
 3 favoritism if we didn't find anything.

4 However, I was only willing to consider this  
 5 as an option if I had a high degree of assurance that  
 6 Tom would completely cooperate.

7 Q. Yes.

8 A. I do not know Tom that well on a personal  
 9 level. I have dealt with parents. There are some  
 10 parents out there that will take a position of my child  
 11 is an adult, they know right from wrong, you know, I'm  
 12 going to let the chips fall where they may and they are  
 13 going to be responsible for their actions.

14 I've dealt with parents that say that, but  
 15 when the time comes, they do the exact opposite and  
 16 things spin out of control.

17 And I've dealt with parents that will do  
 18 anything and everything they can to protect their  
 19 children from the consequences of their actions. And I  
 20 was only willing to get Tom involved in this if I felt  
 21 he was in that first category.

22 But I didn't know Tom. I don't know Tom that  
 23 well on a personal level. My association with him is  
 24 purely business and professional. So I called someone  
 25 who I felt would know him well enough and whose opinion

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- 1 I could trust on whether or not he would be helpful.  
 2 So I called his supervisor, Steve Hermann,  
 3 the northwest enforcement team leader. I explained to  
 4 him what we had, asked him if he felt Tom would help or  
 5 hinder this investigation.

6 And when I asked him if he thought Tom would  
 7 help, his response was -- and this is a quote, I'd like  
 8 to think so, but I'm not sure.

9 And that wasn't good enough for me to get Tom  
 10 involved. This did not give me a great enough  
 11 assurance that I would not be injecting an unknown  
 12 variable into this that could make it become even more  
 13 tense, uncertain and rapidly evolving if he failed to  
 14 cooperate, so I chose not to get Tom involved.

15 Q. What time did you call Steve Hermann?

16 A. I don't remember. It was on -- it was not  
 17 too long after the phone call from Alan Kent in which  
 18 we discussed what options we might have in front of us.

19 We discussed -- we had several options. I  
 20 called Steve to see what he thought about this one.  
 21 And then later, Alan and I discussed our options some  
 22 more. And I think it was after that that Mike Chretien  
 23 called and ran over the plan for the service of the  
 24 warrant he had come up with.

25 And then it was after that phone call that I

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- 1 talked to Alan Kent and made a final decision on what  
 2 we're going to do.

3 Q. Okay. What other options did you consider  
 4 other than what we've just talked about?

5 MR. THOMPSON: And other than what he's  
 6 already testified to?

7 MR. GOSMAN: Well, I just said, "other than  
 8 what we just talked about." So, yes.

9 THE WITNESS: I considered just simply  
 10 waiting.

11 MR. GOSMAN:

12 Q. And what was the problem there?

13 A. That the informant had called him and told  
 14 him he was turning him into us, and that by waiting we  
 15 would give him an opportunity to destroy the evidence.

16 Q. And do you know what time -- or who told you  
 17 about this phone call from -- I'm sorry, yeah, about  
 18 the phone call to the confidential -- or from the  
 19 confidential informant?

20 A. I got all of my information about the case  
 21 either through Sergeant Kent or Sergeant Chretien.  
 22 Most of it came through Sergeant Kent.

23 Q. Did you know the confidential informant?

24 A. No.

25 Q. And did you know how long Miner had known the

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1 confidential informant?  
2 A. No.  
3 Q. He'd known him for about an hour; isn't that  
4 true?  
5 A. I don't know.  
6 Q. And you were basing the entire operation on  
7 the information that came from the confidential  
8 informant?  
9 MR. THOMPSON: Objection as to form.  
10 MS. WESTBY: Join.  
11 THE WITNESS: Not true.  
12 MR. GOSMAN:  
13 Q. Not true? Well, other than what Eckerdt and  
14 Lara had to add about Tom - about Bret Wachsmuth,  
15 correct?  
16 A. And what Lt. Patterson contributed concerning  
17 the reliability of the informant's information on the  
18 accuracy of what a grow operation would be like, upon  
19 other information provided by the officers. Yeah, it  
20 was more there than just the informant.  
21 Q. Well, but Officer Patterson didn't offer  
22 anything in terms of this case except what he knew  
23 about marijuana grow operations.  
24 MS. WESTBY: Object to the form of the  
25 question. Completely misstates the testimony.

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1 Q. Okay.  
2 A. And Judge Waters was willing to sign it.  
3 Q. All right. And as a matter of fact, there  
4 was marijuana in the basement of the home, correct?  
5 A. Yes.  
6 Q. And so really the only question in this case  
7 concerns the confidential informant's reliability in  
8 terms of describing Bret Wachsmuth in such a way that  
9 you felt you needed to use the team of Powell police  
10 officers to effect the warrant?  
11 MR. THOMPSON: Objection as to form.  
12 MS. WESTBY: Join.  
13 THE WITNESS: I'm not really sure what you  
14 just asked me there.  
15 MR. GOSMAN:  
16 Q. Yeah, well, was there any -- was there any  
17 independent verification of what the confidential  
18 informant had said about guns being in the house and  
19 Bret Wachsmuth being paranoid?  
20 A. The statements by Sergeant Eckerdt and  
21 Officer Lara  
22 Q. And it's your testimony that you knew about  
23 those statements when the decision was made to deploy  
24 this team?  
25 A. I knew about that information prior to making

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1 MR. THOMPSON: Join.  
2 THE WITNESS: And even that went towards  
3 verifying the reliability of the informant.  
4 MR. GOSMAN:  
5 Q. Well, did you understand that  
6 Officer Patterson was vouching for the confidential  
7 informant?  
8 MS. WESTBY: Object to the form of the  
9 question.  
10 THE WITNESS: I don't know what you mean by  
11 vouching.  
12 MR. GOSMAN:  
13 Q. That he made any kind of statement that  
14 indicated that he felt the confidential informant was  
15 reliable.  
16 MS. WESTBY: Other than preparing the  
17 affidavit, object to the form of the question.  
18 MR. THOMPSON: Join.  
19 THE WITNESS: My understanding was -- is that  
20 Lt. Patterson confirmed that the information that the  
21 informant gave was consistent with how a marijuana grow  
22 operation would be run and that that contributed to  
23 establishing the reliability of the informant  
24 sufficiently enough that the county attorney was  
25 willing to draw up the affidavit.

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1 my final decision.  
2 Q. All right. And so what we had, then, from  
3 Lara at least was that Bret Wachsmuth was depressed and  
4 taking medication?  
5 MS. WESTBY: Object to the form of the  
6 question. Misstates his testimony.  
7 MR. THOMPSON: Join.  
8 THE WITNESS: That is not the information I  
9 had. The information I had was that he had a prior  
10 mental health history. And I'm not certain, but I  
11 think it may have been identified as bipolar.  
12 MR. GOSMAN:  
13 Q. Okay. All right. And does bipolar, as a  
14 mental condition, indicate to you that a person is  
15 violent and represents a threat to officers?  
16 MR. THOMPSON: Objection as to form.  
17 MS. WESTBY: Join.  
18 THE WITNESS: In my experience as a peace  
19 officer, I have dealt with people who are bipolar, who  
20 were violent and were a threat to my safety at the time  
21 I dealt with them.  
22 MR. GOSMAN:  
23 Q. And have you met with people who are bipolar  
24 who are not?  
25 A. Yes, I have.

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1 Q. And so I guess it would depend on whether or  
 2 not there was any history of violence connected with  
 3 this disorder --

4 MR. THOMPSON: Objection as to form.  
 5 MS. WESTBY: Objection.

6 MR. GOSMAN:

7 Q. -- in order for you to know whether or not  
 8 there was a threat to the police officers, correct?

9 MS. WESTBY: Object to the form.

10 MR. THOMPSON: Join.

11 THE WITNESS: No, it would depend on whether  
 12 or not that bipolar condition is connected to other  
 13 circumstances and the totality of the circumstances  
 14 such as paranoia, illegal drug use, possession of  
 15 firearms, carrying firearms, and those types of things.

16 MR. GOSMAN:

17 Q. All right. And does the fact that a person  
 18 is paranoid indicate to you that they present an  
 19 objective danger to police officers?

20 MS. WESTBY: Object to the form of the  
 21 question.

22 MR. THOMPSON: Join.

23 THE WITNESS: It could, given the totality of  
 24 the circumstances in which paranoia is one  
 25 circumstance.

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1 Q. And does the fact that a person has guns in  
 2 their home indicate that they will -- that they present  
 3 an objective danger to police officers?

4 MS. WESTBY: Objection.

5 MR. THOMPSON: Objection as to form.

6 Go ahead, Chief.

7 THE WITNESS: It could, given the totality of  
 8 the circumstances in which that is one circumstance.

9 MR. GOSMAN:

10 Q. And does the fact that a person has a loaded  
 11 handgun or handguns in the home indicate that there is  
 12 an objective danger to police officers?

13 MR. THOMPSON: Objection as to form.

14 MS. WESTBY: Join.

15 THE WITNESS: It could, given the totality of  
 16 the circumstances in which that is one circumstance.

17 MR. GOSMAN:

18 Q. And does the fact that a person is growing  
 19 marijuana present an objective danger to police  
 20 officers in serving a warrant --

21 MR. THOMPSON: Objection as to form.

22 MR. GOSMAN:

23 Q. -- that would call for the deployment of a  
 24 dynamic entry team?

25 MR. THOMPSON: Same objection.

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1 MS. WESTBY: Join.

2 THE WITNESS: Can I just say same answer?

3 MR. GOSMAN:

4 Q. Yes.

5 A. Same answer.

6 Q. Now, was there any evidence that Bret  
 7 Wachsmuth had been violent in the past?8 A. I was not aware at that time of any prior  
 9 history of violence on his part.10 Q. Had he been arrested for anything? Did he  
 11 have a criminal history?

12 A. I was not aware of any criminal history.

13 Q. Did you inquire about those things?

14 A. I don't remember if I inquired specifically  
 15 about criminal history. I don't know. I'd be  
 16 guessing.17 Q. Well, did you inquire about whether or not  
 18 Bret Wachsmuth had ever had any history of violence  
 19 against anyone?20 A. I inquired about who Bret Wachsmuth was and  
 21 what we knew about him. But I don't remember if there  
 22 were -- I don't remember any -- anything specific to  
 23 criminal history, anything specific to violent acts.24 I remember asking some questions about his  
 25 mental health history, any incidents surrounding that.TIM FEATHERS - November 23, 2010  
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1 But whether or not I specifically said, you know, has  
 2 he ever been violent, I just don't remember.

3 Q. Wasn't that a very important factor in  
 4 determining whether or not you were going to deploy a  
 5 dynamic entry team to serve a search warrant, whether  
 6 or not the suspect had any history of violence?

7 MS. WESTBY: Object to the form of the  
 8 question.

9 MR. THOMPSON: Join.

10 THE WITNESS: It could be one factor in the  
 11 totality of the circumstances.

12 MR. GOSMAN:

13 Q. Well, you've got some factors there that  
 14 we've already identified, paranoia and perhaps bipolar,  
 15 and he has guns in the house.

16 Are you telling me you didn't want to know  
 17 whether this person had ever committed an act of  
 18 violence against a police officer or any other  
 19 individual in his life?

20 MS. WESTBY: Object to the form of the  
 21 question. Misstates his answer.

22 MR. THOMPSON: Join.

23 THE WITNESS: No, I'm not telling you that.

24 MR. GOSMAN:

25 Q. Okay. What are you telling me?

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1 A. I'm just telling you those are the inquiries  
2 that I made.  
3 Q. And so you didn't inquire about either  
4 violence or prior criminal history?

5 MR. THOMPSON: Objection, asked and answered.  
6 MS. WESTBY: Yeah.

7 THE WITNESS: I told you I do not remember  
8 whether or not I specifically asked for those specific  
9 elements in my discussions.

10 MR. GOSMAN:

11 Q. Did you ask this Hermann fellow whether or  
12 not -- or did you ask him any questions at all about  
13 his knowledge of Bret Wachsmuth?

14 A. I don't remember.

15 Q. Going back to Exhibit 10 for a moment, did  
16 you understand that the plan as drawn up on Exhibit 10  
17 was the plan that you approved?

18 MR. THOMPSON: Objection as to form.

19 MS. WESTBY: Join.

20 MR. GOSMAN:

21 Q. Do you understand that?

22 A. I'm not sure I understand your question.

23 Q. Yeah. How much detail was given to you about  
24 the plan that was going to be executed that night at  
25 the Wachsmuth's?

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1 A. Sergeant Chretien gave me a run-down of the  
2 general plan. I don't believe he went over the  
3 specific assignment of every person, but that -- you  
4 know, but that they would, you know, have an entry team  
5 assembled, that they would knock-and-announce.

6 And when he described it to me, he said that  
7 they would knock-and-announce and that if the door  
8 wasn't immediately opened, they would breach the door  
9 and insert the flashbang in the one bedroom window.

10 And when he said that, I said, now, wait a  
11 minute. I said, do you have a no-knock warrant? And  
12 he said no.

13 And I said, so this is a knock-and-announce  
14 warrant, right?

15 He said, yes.

16 I said, then you are aware that you must  
17 knock-and-announce and leave a reasonable amount of  
18 time before you breach that door?

19 And he said yes, that's what I mean when I  
20 say immediate.

21 And I said, okay, now -- I said, I'm not  
22 aware that the courts have set any kind of a specific  
23 time limit. So I said, I'm not exactly sure how the  
24 courts are defining a reasonable amount of time. But I  
25 said, my guess is it's going to be a totality of the

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1 circumstances assessment.  
2 I said, so is that part of your plan?  
3 And he said yes, that's what I meant.  
4 I said okay.  
5 And he -- and just gave me that kind of a  
6 general overview of the plan.

7 I did -- I believe I did ask him specifically  
8 to -- if whether or not the person he had chosen to  
9 deploy the flashbang was someone that had been through  
10 the training on it. And he said yes, it was.

11 He may have even identified Officer McCaslin  
12 at the time. I just don't remember.

13 Q. Did you know that Officer McCaslin had had  
14 training in the flashbang device?

15 A. Yes.

16 Q. And would that have been at the Patrol  
17 Tactics training in 2005?

18 A. Yes.

19 Q. Do you know whether he deployed a device any  
20 time since then?

21 MR. THOMPSON: Between when? Between the  
22 date of deploying the device and when he had this  
23 conversation?

24 MR. GOSMAN:

25 Q. The date that he had the training and the

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1 date --

2 A. Yeah, I was aware that he had employed live  
3 devices at the training in Cody. Yes, I was aware of  
4 that.

5 So there was that overview of the plan. It  
6 was a contingency plan. The plan was we're going to  
7 knock on the door and see if they open it. And if they  
8 don't, here's what we're going to do.

9 Q. Okay. And so, officer -- it's your testimony  
10 that Officer Chretien told you specifically that his  
11 plan was to immediately breach the door after  
12 announcing, "Police, search warrant"?

13 A. Yes.

14 Q. All right. And you told him that he couldn't  
15 do that, correct?

16 A. I had him clarify for me what he meant by  
17 immediately. And I explained to him my understanding  
18 of the Fourth Amendment requirements on  
19 knock-and-announce warrants to ensure that his plan was  
20 in compliance with those requirements.

21 Q. All right. Let's go ahead and look at  
22 Exhibit 10. There's a list of elements there on the  
23 right-hand side of the page that contains the order of  
24 the execution of the principle elements of the plan.

25 And I want you to go ahead and read that.

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1 A. Talking ones Number 1 through 7 on the  
 2 right-hand side?  
 3 Q. Yes. Yes.  
 4 A. Number 1, knock door.  
 5 Number 2, police, search warrant.  
 6 Number 3, break window. With an arrow  
 7 pointing down to Number 4 that it looks like it says  
 8 bedroom, in parentheses afterwards.  
 9 Number 4 says flashbang, with the word  
 10 bedroom, in parentheses afterwards.  
 11 Number 5 is wait for noise.  
 12 Number 6 is break window, in parenthesis,  
 13 it's cut off, but I think it says back or back door.  
 14 And Number 7 is door.

15 Q. All right. And would you agree with me that  
 16 that is consistent with what Chretien told you on the  
 17 phone that night, that he planned to knock-and-announce  
 18 and immediately breach the door?

19 A. This is consistent with our discussion of  
 20 knocking and announcing and if the door is not opening  
 21 in a reasonable amount of time, it is breached.

22 Q. Does it say anything at all about waiting for  
 23 the door to be answered before the window is broke and  
 24 the flashbang is deployed?

25 MS. WESTBY: Object to the form of the

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1 MS. WESTBY: Object to the form of the  
 2 question. He specifically told you what was meant by  
 3 immediately. He told you it several times.  
 4 THE WITNESS: That misstates my testimony on  
 5 my conversation with Sergeant Chretien. My testimony  
 6 was -- and I will repeat it -- was -- is that when he  
 7 told me that the plan was to knock-and-announce and hit  
 8 the door with a ram immediately if it wasn't opened, I  
 9 asked him what he meant by that.

10 And what he meant by that was that there  
 11 would be a reasonable period of time that they would  
 12 wait before that happened. And that's what he meant in  
 13 the term immediately.

14 So when I read this report, I read it in the  
 15 context of that discussion.

16 MR. GOSMAN:

17 Q. All right.  
 18 A. And I understood it in those terms. And in  
 19 those terms, I understand this to mean immediately is  
 20 after an objectively reasonable amount of time given  
 21 the totality of the circumstances as they occurred at  
 22 the moment they knock on the door.

23 Q. All right. You approved this report,  
 24 correct?

25 A. I did.

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1 question.  
 2 THE WITNESS: It is not written in here, no.  
 3 MR. GOSMAN:  
 4 Q. Let's go ahead and turn to Exhibit 16 for a  
 5 moment. You approved this report, did you not?  
 6 (Exhibit 16 identified)

7 THE WITNESS: I did.

8 BY MR. GOSMAN:

9 Q. And it was prepared by Michael Chretien, or  
 10 at least it is 3/2 of 2009, correct?

11 A. Yes.

12 Q. And this was after the warrant service had  
 13 been accomplished?

14 A. That's right.

15 Q. And you'll notice on the -- it's the third  
 16 paragraph from the bottom, it says "the plan was to  
 17 knock on the front door and announce 'Police, search  
 18 warrant.' If the door did not open immediately, we  
 19 would use the ram to force entry. Is that not correct?

20 A. That is correct.

21 Q. And this was after you allege that you made  
 22 it clear to Officer Chretien that he was not to ram the  
 23 door immediately but to wait a reasonable time for the  
 24 occupants to answer the door?

25 MR. THOMPSON: Objection.

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1 Q. All right. And you knew at the time that you  
 2 approved this report that the term immediately, as it's  
 3 commonly defined, would have been inconsistent with  
 4 waiting a reasonable time in order to effect entry into  
 5 the home.

6 MS. WESTBY: Objection to the form of the  
 7 question.

8 MR. GOSMAN:

9 Q. Correct?

10 MS. WESTBY: That's completely, completely  
 11 inaccurate.

12 MR. THOMPSON: It's argumentative.

13 THE WITNESS: I don't know what you're saying  
 14 there. But I'll just respond in this fashion: That  
 15 had I not had that conversation with Sergeant Chretien  
 16 where he provided me the context for what he meant by  
 17 immediately, I wouldn't have approved this report with  
 18 that term in there.

19 MR. GOSMAN:

20 Q. Well, you certainly had the opportunity to  
 21 visit with him and have this report changed before you  
 22 approved it, did you not?

23 A. I could have.

24

25

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1 (Exhibit 33 identified)

2 BY MR. GOSMAN:

3 Q. All right. Let's go ahead and take a look at  
4 Exhibit 33. And this is the answer, and also there's a  
5 copy at the back of the answer of the complaint. This  
6 was the answer filed by Mr. Thompson on your behalf.  
7 Do you acknowledge that?

8 A. It says "Answer of defendant, City of Powell  
9 and all other named defendants in their official  
10 capacity and assertion of affirmative defenses."

11 Q. And your name appears as the second in line  
12 after City of Powell, does it not, in "Comes now the  
13 defendant, City of Powell, Tim Feathers"?

14 A. Yes.

15 Q. Did you have the opportunity to visit with  
16 your attorney before he filed this answer to the  
17 plaintiff's complaint?

18 MR. THOMPSON: Objection to form. He's not  
19 going to answer questions about conversations.

20 MR. GOSMAN: I don't want him to answer  
21 questions. I'm saying, did you have the opportunity to  
22 visit with your attorney?

23 MR. THOMPSON: Go ahead and answer that.

24 THE WITNESS: Yes.

25

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1 you make any effort to contact your attorney and  
2 discuss this.

3 MR. THOMPSON: Counsel, you're crossing the  
4 line. You're getting into conversations with me and  
5 I'm not going to allow him to answer questions in  
6 regards to what our discussions were.

7 MR. GOSMAN: All right.

8 MR. THOMPSON: You've got the answer.

9 MS. WESTBY: And substantively he's already  
10 defined for you what immediately means. And just  
11 'cause you don't like it doesn't mean it's not true,  
12 again.

13 MR. GOSMAN: Okay. All right. Well, you  
14 know, immediately can mean, I guess, a lot of things to  
15 a lot of people.

16 MS. WESTBY: Absolutely. Immediately --  
17 absolutely.

18 MR. GOSMAN: That's it. That's what this  
19 case boils down to. Immediately means within a  
20 reasonable period of time.

21 MS. WESTBY: That's exactly right.

22 MR. THOMPSON: I'll blow that up on a  
23 eight-by-ten board and put it in front of the jury.

24 MR. GOSMAN:

25 Q. All right. So let's go ahead and take a look

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1 MR. GOSMAN:

2 Q. And did you look at the answer?

3 A. Yes.

4 Q. And let's go ahead and go to paragraph 36 on  
5 page 8 of this answer. I want you to go ahead and read  
6 paragraph 36 into the record for me.

7 A. "In response to paragraph 36 of the  
8 plaintiff's complaint, defendants admit their primary  
9 team consisting of six officers, and five with long  
10 guns, were to announce, 'Police, search warrant,' and  
11 if the door did not open immediately, the ram was to be  
12 used for entry. Defendants deny the remainder of the  
13 paragraph."

14 Q. Did you see this paragraph when you reviewed  
15 the complaint -- or answer, I'm sorry?

16 A. Yes, I did.

17 Q. And did you -- did you make any effort to  
18 contact your attorney and inform him that this language  
19 was incorrect?

20 A. I discussed --

21 MS. WESTBY: No.

22 MR. GOSMAN: Yeah.

23 MS. WESTBY: No, we're not going to get into  
24 discussions.

25 MR. GOSMAN: I'm not -- I'm just saying did

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1 at another document. And this is a new document. I  
2 think we've -- let's see. This will be Exhibit 55.  
3 There's the first page to it.

4 (Exhibit 55 identified)

5 MS. WESTBY: Are we honestly going to go  
6 through this answer as well?

7 MR. GOSMAN: Yes, we are.

8 MR. GOSMAN:

9 Q. I'm going to hand you Exhibit 55. And this  
10 is the answer to the complaint that was filed on behalf  
11 of your other attorney, Misha Westby.

12 Do you see your name there in the -- at the  
13 top of the answer as being one of the parties on whose  
14 behalf Misha Westby was responding to the complaint?

15 A. I do.

16 Q. All right. And let's see. I think it's  
17 paragraph 36 in that -- no, it's not paragraph 36.  
18 Excuse me for just a moment.

19 Yes, it's paragraph 17. Go ahead and read  
20 that paragraph into the record, please.

21 A. It's verbatim the same as the other one. You  
22 still want me to read it?

23 Q. No.

24 All right. Did you see that response to the  
25 answer?

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1 A. Yes.  
 2 Q. Did you see it before it was filed?  
 3 MS. WESTBY: And, you know, no, we're not  
 4 going to get into this. This is --  
 5 MR. GOSMAN:  
 6 Q. Did you see it before it was filed.  
 7 MS. WESTBY: Jeff, we're not going to get  
 8 into this.  
 9 MR. GOSMAN: I'm continuing the deposition  
 10 and we're going to call the magistrate tomorrow.  
 11 MS. WESTBY: We're not going to get into  
 12 this. You're asking him about --  
 13 MR. GOSMAN: This is the fifth time today you  
 14 have instructed a witness not to answer.  
 15 MS. WESTBY: Well, if you let will me finish  
 16 my objection, I will tell you why you're invading the  
 17 attorney-client privilege. You were asking him about  
 18 communications that I had --  
 19 MR. GOSMAN: No I am not.  
 20 MS. WESTBY: -- because it was a  
 21 communication with his attorney that is the basis of  
 22 his knowledge of this answer.  
 23 MR. GOSMAN: He's already admitted that he  
 24 reviewed the answers. And there's certainly nothing  
 25 invading attorney-client privilege about reviewing a

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1 Q. Were you present when Officer Chretien  
 2 apologized for having Tricia Wachsmuth go down the  
 3 stairs first into an uncleared room?  
 4 MR. THOMPSON: Objection as to form.  
 5 MS. WESTBY: Join.  
 6 THE WITNESS: I was not present at any time  
 7 Sergeant Chretien apologized for anything.  
 8 MR. GOSMAN:  
 9 Q. Did you hear about it?  
 10 A. Not really. I guess. I heard it come up in  
 11 these depositions, but I'm not really sure what it is  
 12 about.  
 13 Q. Were you involved in any of the debriefing  
 14 that took place after this warrant service?  
 15 A. I was not involved in any debrief on this  
 16 warrant service.  
 17 Q. Okay. How many officers did you understand  
 18 were involved in the entry team that was assembled that  
 19 night?  
 20 A. That made the initial entry?  
 21 Q. Not that made the initial entry, but that  
 22 were assembled and part of the team.  
 23 A. Total officers on scene?  
 24 Q. Yes.  
 25 MS. WESTBY: Object to the form of the

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1 pleading.  
 2 MS. WESTBY: And we've discussed this over  
 3 and over again and he's told you his definition of  
 4 immediately.  
 5 MR. GOSMAN: Well, I just want him to say  
 6 that he -- or tell me one way or the other whether he  
 7 reviewed this answer before it was filed.  
 8 MS. WESTBY: And that's it and then you're  
 9 done?  
 10 MR. GOSMAN: Yes ma'am. Not done with the  
 11 deposition necessarily.  
 12 MS. WESTBY: That one question on this --  
 13 MR. GOSMAN: Yes, on this topic.  
 14 MS. WESTBY: -- document that his attorney  
 15 prepared?  
 16 Go ahead. That one answer.  
 17 THE WITNESS: Your question is did I review  
 18 this document before it was filed?  
 19 MR. GOSMAN:  
 20 Q. Yes.  
 21 A. Absolutely.  
 22 Q. All right. Have you visited with  
 23 Sergeant Chretien about this issue of what the term  
 24 immediately really means since that night?  
 25 A. No.

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1 question.  
 2 THE WITNESS: I...  
 3 MR. GOSMAN:  
 4 Q. And you don't have to have an exact answer,  
 5 but did you understand that there were 10 or 11 of the  
 6 Powell police officers that were called to this, or 12?  
 7 A. I knew we had a lot of officers out at --  
 8 Q. Okay. And did you know that they were going  
 9 to be assembling in the extra body armor that was  
 10 available there at the Powell Police Department over  
 11 and above their uniform vest?  
 12 MS. WESTBY: Object to the form of the  
 13 question.  
 14 MR. THOMPSON: Join.  
 15 THE WITNESS: I don't recall that being  
 16 specifically discussed. But that is what I would have  
 17 expected.  
 18 MR. GOSMAN:  
 19 Q. And you did understand that the entry team  
 20 would have long rifles?  
 21 A. Again, I don't remember if that was  
 22 specifically discussed. But I would have expected some  
 23 of them to.  
 24 Q. Okay. And you did know that a distraction  
 25 device was going to be deployed?

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1 A. Yes, I knew that. 2 Q. And you knew that the perimeter of the 3 home -- 4 A. I knew that a distraction device was part of 5 the contingency plan and could potentially be deployed. 6 Q. And was the perimeter of the home to be 7 secured? Was that your understanding? 8 A. Yes. 9 Q. And did the team plan a second diversion of 10 breaking out a window in the rear of the home? Did you 11 know that? 12 A. I don't remember if I was aware of that at 13 the time or not. 14 Q. And was the door breached using a mechanical 15 breaching device? 16 A. My understanding is, yes, it was. 17 Q. And that was part of the contingency plan, 18 was it not? 19 A. Yes. 20 Q. And there was a team leader? 21 A. Well, Sergeant Chretie was the one who was 22 responsible to plan and oversee the entry and securing 23 of the residence, if that's what you mean by team 24 leader. 25 Q. Yes. And there was an entry plan apparently?	1 in a normal SWAT-type entry, if you know, that is 2 missing from what was planned and executed that night 3 at the Wachsmuth residence? 4 A. Are you asking me if a trained SWAT team were 5 doing this, would they do it in the same way? 6 Q. No. I'm asking you if it would involve the 7 same forces and same equipment. 8 A. Yes, I believe they would. 9 MS. WESTBY: How much longer do you have, 10 because I may need to go turn off my car. 11 MR. GOSMAN: No, we're really close here. 12 MR. GOSMAN: 13 Q. Was there ever any question about this being 14 a no-knock warrant? 15 Was there a discussion about whether or not 16 there should be an application for a no-knock warrant? 17 MR. THOMPSON: What point in time? 18 MR. GOSMAN: 19 Q. Any time. 20 A. I don't remember. 21 Q. Let's go back for just a second to 22 Exhibit 16. 23 What is the process for approving these 24 reports, officer reports? 25 Is this something that's covered in the		
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1 A. Yes, there was. 2 Q. And how was this team any different than a 3 fully trained SWAT team in terms of the composition of 4 the team and what they did that night? 5 MS. WESTBY: Object to the form of the 6 question. 7 MR. THOMPSON: Join. 8 THE WITNESS: The force and effect of a SWAT 9 team is, is that a SWAT team will be used for planned, 10 intentional, tactical solutions to extremely high risk 11 critical incidents. 12 MR. GOSMAN: 13 Q. Well, and this wasn't an extremely high risk 14 critical incident, was it? 15 A. This was not what I would call an extremely 16 high risk critical incident. 17 Q. Other than that, it had all the elements of a 18 SWAT-type entry, did it not? 19 MS. WESTBY: Object to the form of the 20 question. 21 MR. THOMPSON: Join. 22 THE WITNESS: It shares some common ground in 23 equipment, tactics, et cetera. 24 MR. GOSMAN: 25 Q. Well, what's missing? What would you expect	1 policy and procedures manual? 2 A. I don't think so. It's a function of our 3 records management system. 4 Q. Okay. And when it says approved by, can we 5 take that literally? 6 A. Yes. If I understand what you mean by 7 literally, what that means is that that person would 8 have read this report, reviewed it for content, form, 9 completeness, and would have signed off on it that it 10 was approved in all those areas. 11 Q. Do you remember approximately when it was 12 that you learned that Officer Miner had received 13 information from the confidential informant that he had 14 alerted Bret Wachsmuth to what was going to take place? 15 A. What time, no. I believe it was in one of 16 the phone calls that evening. But what time that 17 was... 18 Q. You don't know whether it was early afternoon 19 or later in the evening? 20 A. It would have been evening. 21 MR. GOSMAN: I don't think I have any further 22 questions. 23 MS. WESTBY: I need to have a quick 24 conversation. 25 (Discussion held off the		

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1 record.)  
 2 MS. WESTBY: We'll read and sign.  
 3 (Proceedings concluded at 8:00  
 4 p.m., November 23, 2010.)

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**CERTIFICATE**

2 I, VONNI R. BRAY, Registered Professional  
 3 Reporter, and Notary Public for the State of Montana,  
 4 do hereby certify that TIM FEATHERS was by me first  
 5 duly sworn to testify to the truth, the whole truth,  
 6 and nothing but the truth;  
 7 That the foregoing transcript, consisting of  
 8 174 pages, is a true record of the testimony given by  
 9 said deponent, together with all other proceedings  
 10 herein contained.

11 IN WITNESS WHEREOF, I have hereunto set my  
 12 hand this 10th day of December, 2010.

13  
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25

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**DEPONENT'S CERTIFICATE**

2 I, TIM FEATHERS, do hereby certify, under  
 3 penalty of perjury, that I have read the foregoing  
 4 transcript of my testimony consisting of 173 pages,  
 5 taken on November 23, 2010 and that the same is, with  
 6 any changes noted below, a full, true and correct  
 7 record of my deposition.

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## WYOMING P.O.S.T. TRAINING RECORDS

WACHSMUTH V. CITY OF  
 POWELL - CV 10-0411  
 PLAINTIFF'S EXHIBIT  
 # 31

**ID PO**  
**NAME MINER, CHAD J.**

<b>DATE</b>	<b>HOURS</b>	<b>COURSE</b>	<b>LOCATION</b>
6/1/2003		TEMPORARY PEACE OFFICER CERTIFICATION	POST 03-TEMP-069
12/24/2003	16	INTOXIMETER BASIC	POWELL, WY
3/25/2004	511	PEACE OFFICER BASIC TRAINING COURSE	WLEA DOUGLAS,
3/25/2004		BASIC PEACE OFFICER CERTIFICATION	POST 04-100 020
4/23/2004	40	PIER COURSE	
7/9/2004	16	STREET SURVIVAL TACTICAL EDGE	BOISE, ID
8/12/2004	24	REID INTERVIEW & INTERROGATION	POWELL, WY
8/13/2004	8	REID ADV INTERVIEWING & INTERROGATION	POWELL, WY
3/25/2005		ADVANCED PEACE OFFICER CERTIFICATION	POST 05-300-020
4/22/2005	32	CRIMINAL INTERDICTION & PATROL	WLEA DOUGLAS,
7/13/2005	8	TASER X26 CERTIFICATION	POWELL, WY
8/24/2005	16	BULLETPROOF MIND	LOVELL, WY
9/30/2005	50	PATROL TACTICAL RESPONSE	POWELL, WY
2/24/2006	16	TASER INSTRUCTOR CERTIFICATION	WLEA GREEN
3/2/2006	16	BASIC RADAR/WHP RADAR/LIDAR OPS	POWELL, WY
5/25/2006	72	FIRST LINE SUPERVISION	WLEA DOUGLAS,
8/24/2006	40	CANINE NARCOTIC OPERATIONS	CASPER, WY
2/2/2007	4	INTOXIMETER REFRESHER ECIR	POWELL, WY
8/10/2007	40	DRUG INVESTIGATIONS	RIVERTON, WY
9/10/2007	3	FEMA IS-200 IC'S SINGLE RESRC/INITIAL ACT	ONLINE
10/23/2007	8	K-9 LEGAL UPDATE	JACKSON, WY
2/22/2008	4	REVIEW/UPDATE DWUI DETECT/SFST	POWELL, WY
2/28/2008	16	ADV TASER M26/X26 INSTRUCTOR TRAINING	MILLS, WY
3/25/2008		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 08-400-111
4/8/2008	9	LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
5/16/2008	18	K-9 CERTIFICATION COURSE	JACKSON, WY
6/5/2008	17	ANNUAL LE COORDINATING COMMITTEE CONFER	JACKSON, WY
2/6/2009	8	EXPANDABLE BATON	POWELL, WY
4/6/2009	8	PHARMACEUTICAL DRUG INVESTIGATIONS	CODY, WY
5/21/2009	18	K-9 NARCOTIC REFRESHER & CERTIFICATION	JACKSON, WY
6/26/2009	4	REVIEW/UPDATE DWUI DETECTION-SPST	POWELL, WY
8/10/2009	32	OC/IMPACT MUN/DISTRCT/CHEMICAL INSTRUCTR	AURORA, CO
10/27/2009	4	VEHICLE TITLE & REGISTRATION TRAIN 8-12	CODY, WY
11/2/2009	8	INTOXIMETER ECIR - BASIC	POWELL, WY
11/9/2009	28	IMMEDIATE ACTION FOR PATROL	POWELL, WY
2/3/2010	16	TASER INSTRUCTOR	ROCK SPRINGS, WY
3/25/2010		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 10-400-117

Summary for NAME = Training Records by Department (37 detail records)

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# CERTIFICATION OF COMPLETION

THIS IS TO CERTIFY THAT

**Chad J. Miner**

Has Completed the Basic Instructor Course Requirements For

**OC Aerosol Projectors, Specialty Impact Munitions,  
Distraction Devices and Chemical Munitions**

Jeff Satur & Doug Ross  
Instructor

08/10/2009  
Date Completed

Sandy Wall  
Director of Training

08/31/2011  
Expiration Date



DEFENSE TECHNOLOGY

## WYOMING P.O.S.T. TRAINING RECORDS

*ID PO*

NAME KENT, LYNN A.

DATE	HOURS	COURSE	LOCATION
6/1/1982	480	BASIC LAW ENFORCEMENT ACADEMY	MODESTO, CA
6/1/1991	70	COLLEGE TRANSCRIPT	NW COMM COLL,
2/1/1995	0	TEMPORARY PEACE OFFICER CERTIFICATION	POST 95-TEMP-016
2/6/1995	4	CONTACT COVER	POWELL, WY
2/6/1995	4	OC DEFENSIVE AEROSOL SPRAY	POWELL, WY
2/9/1995	24	BASIC CUSTODY & CONTROL	POWELL, WY
5/4/1995	32	INTERIOR TACTICS	POWELL, WY
5/15/1995	8	BASIC LIFE SUPPORT/CPR	POWELL, WY
6/1/1995	7	FRANKLIN TIME MANAGEMENT	POWELL, WY
6/13/1995	16	INTOXIMETER 3000	POWELL, WY
10/27/1995	426	PEACE OFFICER BASIC COURSE	WLEA DOUGLAS,
10/27/1995		BASIC PEACE OFFICER CERTIFICATION	POST 95-100-066
2/28/1996	16	ADVANCED ACCIDENT INVESTIGATION	CODY, WY
11/21/1996	8	NORTHWEST REGIONAL DRUG SCHOOL	CODY, WY
2/27/1997	24	STANDARD DUI FIELD SOBRIETY TESTING	CODY, WY
3/4/1997	4	DIRECTED PATROL	POWELL, WY
3/17/1997	4	GANG AWARENESS/RECOGNITION	POWELL, WY
4/10/1997	24	STREET SURVIVAL	WESTMINSTER, CO
4/11/1997		ADVANCED PEACE OFF CERTIFICATION	POST 97-300-063
4/18/1997	5	DYNAMIC OF DOMESTIC VIOLENCE	CODY, WY
7/10/1997	4	USE OF FORCE UPDATE	WLEA POWELL, WY
3/6/1998	40	KINESIC INTERVIEW & INTERROGATION	WLEA DOUGLAS,
5/8/1998	40	FIELD TRAINING OFFICER COURSE	WLEA DOUGLAS,
8/14/1998	40	FIRST LINE SUPERVISION	POWELL, WY
8/12/1999	16	BASICS ON IBM COMPUTER	POWELL, WY
10/27/1999	24	INVEST TECH/DETECTIVE/PATROL OFFICER	MONTANA
12/6/1999	4	ECIR UPDATE	POWELL, WY
4/11/2000		PROFESSIONAL PO CERTIFICATION	POST 00-400-135
1/3/2001	4	LAW ENF OFFICERS FLYING ARMED	CHEYENNE, WY
4/26/2001	8	NWET REGIONAL DRUG SCHOOL	LOVELL, WY
8/10/2001	20	CRIME SCENE MANAGEMENT	LOVELL, WY
9/21/2001	40	BASIC DRUG INVESTIGATION	SHERIDAN, WY
12/4/2001	4	EMERGENCY FIRST AID	CASPER, WY
12/4/2001	4	ADULT CPR	CASPER, WY
2/20/2002	4	BASIC DIGITAL CAMERA	CHEYENNE, WY
3/8/2002	80	DEA BASIC NARCOTICS COURSE	MONTANA
4/11/2002		PROFESSIONAL PO CERTIFICATION	POST 02-400-168
4/16/2002	16	MNG PROPERTY & EVIDENCE IN LAW ENF	HELENA, MT
5/24/2002	4	POWELL PI HOLDING FACILITY PROCEDURES	POWELL, WY
9/12/2002	4	STRATEGIC PLANNING	CODY, WY
1/23/2003	16	BASIC SURVIVAL SPANISH	RIVERTON, WY
2/28/2003	16	ENFORCING WYOMING DRINKING LAWS BASIC	POWELL, WY
3/14/2003	35	ROCKY MTN NARCOTICS COMMANDER LEADERSHIP	DENVER, CO
6/13/2003	40	PATROL IN ERDICATION EMERGENCY RESPONSE	POWELL, WY
4/2/2004	16	RESPONSE ANALYSIS (STATEMENT ANALYSIS)	LOVELL, WY
4/8/2004	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
4/11/2004		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 04-400-179
6/21/2004	4	INTOXIMETER UPDATE	POWELL, WY
3/4/2005	24	CHILD FORENSIC INTERVIEW	CASPER, WY
5/13/2005	36	DEATH INVESTIGATIONS/DOMESTIC HOMICIDES	GILLETTE, WY
7/13/2005	8	TASER X26 CERTIFICATION	POWELL, WY

7/20/2005	12 G290 BASIC PUBLIC INFORMATION OFFICER	CODY, WY
10/5/2005	50 PATROL TACTICAL RESPONSE	POWELL, WY
1/13/2006	8 MANAGING SEARCH INCIDENTS	CODY, WY
4/6/2006	20 ADMINISTRATORS CONFERENCE #26	WLEA DOUGLAS,
4/11/2006	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 06-400-187
2/7/2007	16 PUBLIC AGENCY BUDGETING	WLEA DOUGLAS,
6/8/2007	40 LE EXECUTIVE MANAGEMENT	W YELLOWSTONE,
8/29/2007	3 FEMA IS-200 ICS SINGLE RESRC/INITIAL ACT	ONLINE
9/11/2007	3 FEMA IS-800.A INTRO NATL RESPONSE PLAN	ONLINE
10/17/2007	4 IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA DOUGLAS,
11/21/2007	4 INTOXIMETER REFRESHER ECIR	POWELL, WY
11/26/2007	5 GRID SLUETH	POWELL, WY
2/28/2008	10 WASCOP ANNUAL LEGISLATIVE TRAINING MEET	CHEYENNE, WY
3/26/2008	21 TRAUMAS OF LAW ENFORCEMENT	CHEYENNE, WY
4/8/2008	9 LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
4/11/2008	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 08-400-188
2/13/2009	8 EXPANDABLE BATON	POWELL, WY

Summary for 'NAME' = Training Records by Department (68 detail) records  
 Sum 1940

## WYOMING P.O.S.T. TRAINING RECORDS

**ID PO**

**NAME KENT, LYNN A.**

<b>DATE</b>	<b>HOURS</b>	<b>COURSE</b>	<b>LOCATION</b>
6/1/1982	480	BASIC LAW ENFORCEMENT ACADEMY	MODESTO, CA
6/1/1991	70	COLLEGE TRANSCRIPT	NW COMM COLL,
2/1/1995	0	TEMPORARY PEACE OFFICER CERTIFICATION	POST 95-TEMP-036
2/6/1995	4	CONTACT/COVER	POWELL, WY
2/6/1995	4	OC DEFENSIVE AEROSOL SPRAY	POWELL, WY
2/9/1995	24	BASIC CUSTODY & CONTROL	POWELL, WY
3/4/1995	32	INTERIOR TACTICS	POWELL, WY
5/15/1995	8	BASIC LIFE SUPPORT/CPR	POWELL, WY
6/1/1995	7	FRANKLIN TIME MANAGEMENT	POWELL, WY
6/13/1995	16	INTOXIMETER 3000	POWELL, WY
10/27/1995	426	PEACE OFFICER BASIC COURSE	WLEA DOUGLAS,
10/27/1995		BASIC PEACE OFFICER CERTIFICATION	POST 95-100-066
2/28/1996	16	ADVANCED ACCIDENT INVESTIGATION	CODY, WY
11/21/1996	8	NORTHWEST REGIONAL DRUG SCHOOL	CODY, WY
2/27/1997	24	STANDARD DUI FIELD SOBRIETY TESTING	CODY, WY
3/4/1997	4	DIRECTED PATROL	POWELL, WY
3/17/1997	4	GANG AWARENESS/RECOGNITION	POWELL, WY
4/10/1997	24	STREET SURVIVAL	WESTMINSTER, CO
4/11/1997		ADVANCED PEACE OFF CERTIFICATION	POST 97-300-063
4/18/1997	5	DYNAMIC OF DOMESTIC VIOLENCE	CODY, WY
7/10/1997	4	USE OF FORCE UPDATE	WLEA POWELL, WY
3/6/1998	40	KINESIC INTERVIEW & INTERROGATION	WLEA DOUGLAS,
5/8/1998	40	FIELD TRAINING OFFICER COURSE	WLEA DOUGLAS,
8/14/1998	40	FIRST LINE SUPERVISION	POWELL, WY
8/12/1999	16	BASICS ON IBM COMPUTER	POWELL, WY
10/27/1999	24	INVEST TECH/DETECTIVE/PATROL OFFICR	MONTANA
12/6/1999	4	EC/IR UPDATE	POWELL, WY
4/11/2000		PROFESSIONAL PO CERTIFICATION	POST 00-400-135
1/3/2001	4	LAW ENF OFFICERS FLYING ARMED	CHEYENNE, WY
4/26/2001	8	NWET REGIONAL DRUG SCHOOL	LOVELL, WY
8/10/2001	20	CRIME SCENE MANAGEMENT	LOVELL, WY
9/21/2001	40	BASIC DRUG INVESTIGATION	SHERIDAN, WY
12/4/2001	4	ADULT CPR	CASPER, WY
12/4/2001	4	EMERGENCY FIRST AID	CASPER, WY
2/20/2002	4	BASIC DIGITAL CAMERA	CHEYENNE, WY
3/8/2002	80	DEA BASIC NARCOTICS COURSE	MONTANA
4/11/2002		PROFESSIONAL PO CERTIFICATION	POST 02-400-168
4/16/2002	16	MNG PROPERTY & EVIDENCE IN LAW ENF	HELENA, MT
5/24/2002	4	POWELL PD HOLDING FACILITY PROCEDURES	POWELL, WY
9/12/2002	4	STRATEGIC PLANNING	CODY, WY
1/23/2003	16	BASIC SURVIVAL SPANISH	RIVERTON, WY
2/28/2003	16	ENFORCING WYOMING DRINKING LAWS BASIC	POWELL, WY
3/14/2003	35	ROCKY MTN NARCOTICS COMMANDER LEADERSHIP	DENVER, CO
6/13/2003	40	PATROL INTERDICTION EMERGENCY RESPONSE	POWELL, WY
4/2/2004	16	RESPONSE ANALYSIS (STATEMENT ANALYSIS)	LOVELL, WY
4/8/2004	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
4/11/2004		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 04-400-179
6/21/2004	4	INTOXIMETER UPDATE	POWELL, WY
3/4/2005	24	CHILD FORENSIC INTERVIEW	CASPER, WY
5/13/2005	36	DEATH INVESTIGATIONS/DOMESTIC HOMICIDES	GILLETTE, WY
7/13/2005	8	TASER X26 CERTIFICATION	POWELL, WY

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7/20/2005	12 G290 BASIC PUBLIC INFORMATION OFFICER	CODY, WY
10/5/2005	50 PATROL TACTICAL RESPONSE	POWELL, WY
1/13/2006	8 MANAGING SEARCH INCIDENTS	CODY, WY
4/6/2006	20 ADMINISTRATORS CONFERENCE #26	WLEA DOUGLAS.
4/11/2006	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 06-400-187
2/7/2007	16 PUBLIC AGENCY BUDGETING	WLEA DOUGLAS,
6/8/2007	40 LE EXECUTIVE MANAGEMENT	W YELLOWSTONE,
8/29/2007	3 FEMA IS-200 ICS SINGLE RESRC/INITIAL ACT	ONLINE
9/11/2007	3 FEMA IS-800.A INTRO NATL RESPONSE PLAN	ONLINE
10/17/2007	4 IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA DOUGLAS,
11/21/2007	4 INTOXIMETER REFRESHER ECIR	POWELL, WY
11/26/2007	5 GRID SLUETH	POWELL, WY
2/28/2008	10 WASCOP ANNUAL LEGISLATIVE TRAINING MEET	CHEYENNE, WY
3/26/2008	21 TRAUMAS OF LAW ENFORCEMENT	CHEYENNE, WY
4/8/2008	9 LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
4/11/2008	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 08 400-188
2/13/2009	8 EXPANDABLE BATON	POWELL, WY
5/29/2009	20 LEADERSHIP SKILLS FOR CHALLENGING TIMES	BOISE, ID
6/3/2009	4 REPORT BEAM WEB SERVER TRAINING	WORLAND, WY
6/12/2009	4 REVIEW/UPDATE: DWUI DETENTION-SFST	POWELL, WY
8/14/2009	10 ENFORCING UNDERAGE DRINKING LAWS CONF	DALLAS, TX

Summary for 'NAME' = Training Records by Department: (72 detail records)

Sum 1978

# **WYOMING P.O.S.T. TRAINING RECORDS**

ID PO

NAME MCCASLIN, MATT J.

**DATE    HOURS    COURSE**

8/1/2000	500	BS DEGREE ELEMENTARY EDUCATION TEMPORARY PEACE OFFICER CERTIFICATION	MONTANA STATE
10/1/2004	515	PEACE OFFICER BASIC TRAINING COURSE BASIC PEACE OFFICER CERTIFICATION	POST 04-TEMP 140 WLEA DOUGLAS.
6/30/2005	8	TASER X26 CERTIFICATION	POST 05-100-054
7/1/2005	16	BULLETPROOF MIND	POWELL, WY
8/24/2005	50	PATROL TACTICAL RESPONSE	LOVELL, WY
9/30/2005	16	BASIC RADAR/WHP RADAR/LIDAR OPS	POWELL, WY
3/2/2006	8	INTOXIMETER ECIR BASIC	POWELL, WY
3/24/2006		ADVANCED PEACE OFFICER CERTIFICATION	POWELL, WY
6/30/2006	3	WEB BASED EVIDENCE PRE-LOG SUBMISSIONS	POST 06-300-030
9/15/2006	4	EVIDENCE PACKAGING & HANDLING	CODY, WY
4/18/2007	16	STREET SURVIVAL TACTICAL EDGE	CODY, WY
5/11/2007	80	BASIC HOSTAGE NEGOTIATIONS	DENVER, CO
6/30/2007		PROFESSIONAL PEACE OFFICER CERTIFICATION	WLEA DOUGLAS,
8/31/2007	3	FEMA IS-200 IC'S SINGLE RESRC/INITIAL ACT	POST 07-400-649
10/4/2007	72	FIRST LINE SUPERVISION	ONLINE
10/17/2007	4	IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA, WY
1/25/2008	40	FIELD TRAINING OFFICER DEVELOPMENT	WLEA DOUGLAS,
2/22/2008	4	REVIEW/UPDATE DWUI DETECT/SFST	WLEA DOUGLAS,
4/8/2008	9	LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
6/11/2008	4	EVIDENCE PACKAGING & HANDLING	POWELL, WY
8/15/2008	80	CUSTODY AND CONTROL INSTRUCTOR CERTIFY	CODY, WY
1/30/2009	16	EXPANDABLE BATON/*IP	WLEA DOUGLAS.
3/25/2009	4	INTOXIMETER ECIR-REFRESHER	POWELL, WY
4/6/2009	8	PHARMACEUTICAL DRUG INVESTIGATIONS	POWELL, WY
4/30/2009	4	INTERVIEW & INTERROGATION BASICS	CODY, WY
6/26/2009	4	REVIEW/UPDATE DWUI DETECTION-SFST	POWELL, WY
6/30/2009		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-681
11/14/2009	28	IMMEDIATE ACTION FOR PATROL	POWELL, WY

**Summary for 'NAME' = Training Records by Department (30 detail records)**

**Sum** 1496

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## WYOMING P.O.S.T. TRAINING RECORDS

ID	PO		LOCATION
		NAME BLACKMORE, ANTHONY L.	
DATE	HOURS	COURSE	
5/1/1996	250	AS DEGREE	NW COLLEGE, WY
12/1/2001		TEMPORARY PO CERTIFY (EXP 4/13/03)	POST 01-TEMP-145
12/24/2001	48	BASIC FIREARMS HANDGUN & RIFLE	POWELL, WY
8/9/2002	479	PEACE OFFICER BASIC TRAINING COURSE	WLEA DOUGLAS,
8/9/2002		BASIC PEACE OFFICER CERTIFICATION	POST 02-100-073
8/23/2002	4	POWELL PD HOLDING FACILITY PROCEDURES	POWELL, WY
8/27/2002	5	SEARCH WARRANT PREPARATION & SERVICE	BASIN, WY
9/12/2002	4	SUDDEN CUSTODY DEATH	CODY, WY
1/17/2003	16	RADAR/LIDAR	DOUGLAS, WY
1/23/2003	16	BASIC SURVIVAL SPANISH	RIVERTON, WY
2/26/2003	16	ENFORCING WYOMING DRINKING LAWS BASIC	POWELL, WY
3/5/2003	12	CRIME SCENE MANAGEMENT & RECONSTRUCTION	BASIN, WY
6/13/2003	40	PATROL INTERDICTION EMERGENCY RESPONSE	POWELL, WY
6/30/2003	64	FIRST LINE SUPERVISION	WLEA POWELL, WY
8/9/2003		ADVANCED PEACE OFFICER CERTIFICATION	POST 03-300-082
12/10/2003	16	CRIME SCENE PROCESSING/EVIDENCE HANDLING	CODY, WY
12/24/2003	16	INTOXIMETER BASIC	POWELL, WY
1/22/2004	8	INCIDENT COMMAND SYSTEM BASIC	CODY, WY
6/18/2004	40	MODULAR EVO INSTRUCTOR COURSE	WLEA DOUGLAS,
8/12/2004	24	REID INTERVIEW & INTERROGATION	POWELL, WY
8/13/2004	8	REID ADV INTERVIEWING & INTERROGATION	POWELL, WY
10/12/2004	8	INCIDENT COMMAND SYSTEM INTERMEDIATE	CODY, WY
1/21/2005	6	REDUCING UNDERAGE ALCOHOL ABUSE	WYOMING
7/13/2005	8	TASER X26 CERTIFICATION	POWELL, WY
8/9/2005		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 05-400-458
8/24/2005	16	BULLETPROOF MIND	LOVELL, WY
9/30/2005	50	PATROL TACTICAL RESPONSE	POWELL, WY
11/29/2005	3	FEMA IS-100 INTRO ICS	ON LINE
2/13/2006	3	FEMA IS-700 INTRO NIMS	ON LINE
4/7/2006	20	SEXUAL ASSAULT SUMMIT V	LARAMIE, WY
5/24/2006	24	WY SCHOOL RESOURCE OFFICER LEADERSHIP	JACKSON, WY
6/23/2006	40	NATL BASIC SCHOOL RESOURCE COURSE	KALISPELL, MT
8/6/2006	8	BASIC EMERGENCY VEHICLE OPERATION/IP	POWELL, WY
2/2/2007	4	INTOXIMETER REFRESHER ECIR	POWELL, WY
4/5/2007	18	SEXUAL ASSAULT SUMMIT VI	SHERIDAN, WY
8/9/2007		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 07-400-411
8/29/2007	23	CHILD ABUSE FORENSIC INTERVIEW	CODY, WY
9/4/2007	3	FEMA IS-200 ICS SINGLE RESRC/INITIAL ACT	ONLINE
9/20/2007	16	SR OPERATOR COURSE-BASIC INTOX	CHEYENNE, WY
10/17/2007	4	IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA DOUGLAS,
11/26/2007	5	GRID SUETH	POWELL, WY
2/21/2008	2	NATL WEATHER SERVICE DISPATCH CENTER	POWELL, WY
2/22/2008	4	REVIEW/UPDATE DWUI DETECT/SFST	POWELL, WY
4/8/2008	9	LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
11/14/2008	8	SCHOOL SAFETY & PREPARATION	LANDER, WY
1/30/2009	8	EXPANDABLE BATON	POWELL, WY
3/25/2009	8	INTOX ECIR - REFRESHER/IP	POWELL, WY
4/23/2009	19	SEXUAL ASSAULT SUMMIT VIII	CASPER, WY
5/12/2009	4	INTERVIEW & INTERROGATION BASICS	CODY, WY
6/12/2009	4	REVIEW/UPDATE DWUI DETENTION-SFST	POWELL, WY
8/9/2009		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-442

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10/27/2009 4 VEHICLE TITLE & REGISTRATION TRAIN 1-5  
11/14/2009 28 IMMEDIATE ACTION FOR PATROL  
Summary for 'NAME' = Training Records by Department (53 detail records)  
Sum 1423

CODY, WY  
POWELL, WY

## WYOMING P.O.S.T. TRAINING RECORDS

*ID PO*

NAME BRADLEY, CODY J.

DATE HOURS COURSE

LOCATION

6/1/1998	AA DEGREE	BLUE MTN COMM
6/16/2001	1000 BS DEGREE LA & ENFORCEMENT	W OREGON
7/8/2004	TEMPORARY PEACE OFFICER CERTIFICATION	POST 04-TEMP-092
6/30/2005	BASIC PEACE OFFICER CERTIFICATION	POST 05-100-053
6/30/2005	515 PEACE OFFICER BASIC TRAINING COURSE	WLEA DOUGLAS.
7/18/2005	8 TASER X26 CERTIFICATION	POWELL, WY
10/5/2005	50 PATROL TACTICAL RESPONSE	POWELL, WY
11/27/2005	3 FEMA IS-100 INTRO ICS	ON LINE
3/2/2006	16 BASIC RADAR/WHP RADAR/LIDAR OPS	POWELL, WY
3/24/2006	8 INTOXIMETER ECIR BASIC	POWELL, WY
6/30/2006	ADVANCED PEACE OFFICER CERTIFICATION	POST 06-300 048
4/18/2007	16 STREET SURVIVAL TACTICAL EDGE	DENVER, CO
5/3/2007	24 REID TECH/INTERVIEW & INTERROGATION	LARAMIE, WY
6/30/2007	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 07-400-320
7/20/2007	40 SCHOOL RESOURCE OFFICER BASIC	BILLINGS, MT
8/12/2007	3 FEMA IS-200 IC'S SINGLE RESRC/INITIAL ACT	ONLINE
8/29/2007	23 CHILD ABUSE FORENSIC INTERVIEW	CODY, WY
10/17/2007	4 IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA DOUGLAS,
11/26/2007	5 GRID SLUETH	POWELL, WY
2/21/2008	2 NATL WEATHER SERVICE DISPATCH CENTER	POWELL, WY
2/22/2008	4 REVIEW/UPDATE DWUI DETECT/SFST	POWELL, WY
4/2/2008	21 ADV INVESTIGAT STRATEGIES/MULTIDISCIPLIN	THERMOPOLIS, WY
4/8/2008	9 LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
6/10/2008	4 EVIDENCE PACKAGING & HANDLING	CODY, WY
6/27/2008	24 2008 SCHOOL-BASED TRAINING SEMINAR	CHEYENNE, WY
9/19/2008	36 PREPARING FOR LEADERSHIP	WLEA DOUGLAS,
12/11/2008	24 ADVANCED SCHOOL RESOURCE OFFICER CLASS	RIVERTON, WY
2/6/2009	8 EXPANDABLE BATON	POWELL, WY
3/25/2009	4 INTOXIMETER ECIR-REFRESHER	POWELL, WY
4/6/2009	8 PHARMACEUTICAL DRUG INVESTIGATIONS	CODY, WY
5/12/2009	4 INTERVIEW & INTERROGATION BASICS	CODY, WY
6/25/2009	8 INSIDE THE MIND OF A TEEN KILLER	CODY, WY
6/30/2009	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-336
10/27/2009	4 VEHICLE TITLE & REGISTRATION TRAIN 8-12	CODY, WY
11/9/2009	28 IMMEDIATE ACTION FOR PATROL	POWELL, WY

Summary for 'NAME' = Training Records by Department (35 detail records)

Sum:

1903

**WYOMING P.O.S.T. TRAINING RECORDS****ID PO**

NAME BROWN, DAVID C.

DATE	HOURS	COURSE	LOCATION
10/1/1982	36	FIRE INSTRUCTOR 1A	CALIFORNIA
10/8/1982	36	FIRE INSTRUCTOR 1B	CALIFORNIA
8/14/1987	800	BS DEGREE CRIMINAL JUSTICE	FLAGSTAFF, AZ
5/7/1990	0	TEMPORARY CERTIFICATION	POST 90-TEMP-042
9/12/1990	4	STRESS MANAGEMENT	WLEA CODY, WY
12/21/1990	400	PEACE OFFICER BASIC COURSE	WLEA DOUGLAS,
12/21/1990	0	BASIC CERTIFICATION	POST 90-100-063
5/30/1991	4	TACTICAL COMMUNICATIONS	WLEA POWELL, WY
12/12/1991	24	STREET SURVIVAL	LAS VEGAS, NV
12/21/1991	0	ADVANCED CERTIFICATION	POST 91-300-069
4/20/1992	4	OVERVIEW OF DEADLY FORCE DECISION	POWELL, WY
4/21/1992	8	INSTRUCTOR COURSE	MONTANA
4/21/1992	8	CHEMICAL AEROSOL SPRAY INSTRUCTOR	MONTANA
5/14/1992	8	REGINAL DRUG SCHOOL	CODY, WY
6/4/1992	8	OLEORIGIN CAPSICUM INSTR PREP	POWELL, WY
9/16/1992	4	PSYCHOLOGICAL PROFILING	WLEA
9/17/1992	4	CARNIVAL SCAMS/GAMBLING	WLEA
9/17/1992	4	STALKING ISSUES	WLEA
12/18/1992	40	EMBEZZLEMENT & FRAUD CRIMES INVEST	WLEA DOUGLAS,
12/21/1992	0	PROFESSIONAL CERTIFICATION	POST 92-400-423
12/25/1992	1	VEHICLE STOPS LEGAL ISSUES	LETN POWELL, WY
12/27/1992	1	PREPARING FOR COURT	LETN POWELL, WY
12/29/1992	1	BLOODBORNE PATHOGENS PART 1	LETN POWELL, WY
12/30/1992	1	BLOODBORNE PATHOGENS PART 2	LETN POWELL, WY
12/31/1992	1	BLOODBORNE PATHOGENS PART 3	LETN POWELL, WY
1/2/1993	1	ICMA SERIES PART 3 PATROL FUNCTION	LETN POWELL, WY
1/22/1993	1	TRAFFIC CONTROL	LETN POWELL, WY
2/1/1993	1	PURSUIT DRIVING PART 1	LETN POWELL, WY
2/2/1993	1	PURSUIT DRIVING PART 2	LETN POWELL, WY
2/3/1993	1	PURSUIT DRIVING PART 3	LETN POWELL, WY
2/4/1993	1	PURSUIT DRIVING PART 4	LETN POWELL, WY
2/8/1993	16	SIDEHANDLE BATON BASIC	POWELL, WY
2/16/1993	1	GROUND DEFENSE SHOOTING TECHNIQUES	LETN POWELL, WY
2/23/1993	1	STUNNING TECHNIQUES	LETN POWELL, WY
2/23/1993	1	TRAFFIC CONTROL PART 2	LETN POWELL, WY
3/1/1993	1	TRAINING TECHNIQUES GOAL ANALYSIS	LETN POWELL, WY
3/28/1993	1	DRAWING THE HANDGUN	LETN POWELL, WY
4/22/1993	24	PATROL RESPONSE CRITICAL INCIDENT	POWELL, WY
4/29/1993	7	FRANKLIN TIME MANAGEMENT	POWELL, WY
8/22/1993	1	HIGH STRESS SPEAKING	LETN POWELL, WY
8/23/1993	1	CONCERN'S OF POLICE SURVIVORS PART 1	LETN POWELL, WY
8/28/1993	24	BASIC CUSTODY & CONTROL	POWELL, WY
10/10/1993	1	HOSTAGE NEGOTIATIONS PART 1	LETN POWELL, WY
10/18/1993	1	COLLAPSIBLE BATON	LETN POWELL, WY
10/27/1993	1	TRAFFIC STOPS	LETN POWELL, WY
10/28/1993	1	THE SCIENCE OF SURVIVAL PART 3	LETN POWELL, WY
12/1/1993	1	COMMUNITY POLICING UPDATE PART 1	LETN POWELL, WY
12/1/1993	1	VEHICLE STOPS INITIAL CONTACT	LETN POWELL, WY
2/21/1994	4	INTOXIMETER REFRESHER	POWELL, WY
3/11/1994	40	KINESIC INTERVIEW TECHNIQUES	WLEA DOUGLAS,
4/18/1994	8	CONTACT & COVER TRAINING	MONTANA

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4/25/1994	8 COMMUNITY POLICING	MONTANA
8/16/1994	16 OLEORESIN CAPS AEROSOL INSTRUCTOR	WLEA DOUGLAS,
8/26/1994	40 DRUG INVESTIGATION	CASPER, WY
10/11/1994	16 BASIC ACCIDENT INVESTIGATION	WLEA POWELL, WY
12/21/1994	PROFESSIONAL CERTIFICATION	POST 94-400-444
2/6/1995	16 CONTACT/COVER INSTR PREP	POWELL, WY
4/7/1995	14 UNDERCOVER INVESTIGATIVE TECHNIQUES	RIVERTON, WY
5/4/1995	8 INTERIOR TACTICS	POWELL, WY
5/16/1995	8 BASIC LIFE SUPPORT/CPR	POWELL, WY
9/14/1995	4 STRESS/BURNOUT SHIFTWORK	TELECONFERENCE
9/20/1996	20 PROACTIVE PATROL	MONTANA
12/21/1996	PROFESSIONAL CERTIFICATION	POST 96-400-427
3/17/1997	4 GANG AWARENESS/RECOGNITION	POWELL, WY
5/2/1997	86 CUSTODY/CONTROL INSTRUCTOR CERT	WLEA DOUGLAS,
6/6/1997	4 USE OF FORCE UPDATE	WLEA CODY, WY
8/21/1997	24 SPECIALIZED SURVEILLANCE	CHEYENNE, WY
4/24/1998	80 DEA BASIC DRUG ENFORCEMENT	WLEA DOUGLAS,
6/12/1998	40 FIRST LINE SUPERVISION	WLEA DOUGLAS.
8/26/1998	24 CUSTODY CONTROL INSTRUCTOR UPDATE	WLEA DOUGLAS.
9/8/1998	8 BACKGROUND INVESTIGATION	WLEA DOUGLAS.
12/18/1998	48 CUSTODY CONTROL/INSTR PREP	POWELL, WY
12/21/1998	PROFESSIONAL PO CERTIFICATION	POST 98-400-434
5/14/1999	36 WIA HOMICIDE SCHOOL	GILLETTE, WY
8/12/1999	16 BASICS ON IBM COMPUTER	POWELL, WY
8/16/1999	16 BASIC SHOTGUN TRAINING	POWELL, WY
12/6/1999	4 EC/IR UPDATE	POWELL, WY
4/27/2000	24 CUSTODY CONTROL UPDATE	WLEA DOUGLAS.
5/18/2000	12 LECC CONFERENCE	JACKSON, WY
12/21/2000	PROFESSIONAL PO CERTIFICATION	POST 00-400-446
3/30/2001	16 PERSONAL INTEGRITY & PUBLIC TRUST	WLEA DOUGLAS,
4/19/2001	24 CUSTODY CONTROL INSTRUCTOR RECERT	WLEA DOUGLAS,
6/11/2001	8 MEDIA RELATIONS FOR LAW ENFORCEMENT	WLEA CODY, WY
8/6/2001	10 PATROL RESPONSE TO THE ACTIVE SHOOTER	WORLAND, WY
9/12/2001	4 USE OF FORCE UPDATE	WLEA CHEYENNE,
9/13/2001	4 CLANDESTINE LAB	WLEA CHEYENNE,
9/13/2001	4 PATROL RESPONSE TO ACTIVE SHOOTER	CHEYENNE, WY
12/14/2001	8 CHARACTER FIRST	POWELL, WY
1/10/2002	16 INTERVIEW STATEMENT ANALYSIS/ASSESS	CASPER, WY
3/5/2002	16 BASIC RADAR INSTRUCTION	CODY, WY
4/11/2002	16 LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS
4/25/2002	18 REID TECH INTERVIEWING & INTERROGATION	CODY, WY
4/26/2002	6 ADVANCED REID TECH INTERVIEW/INTERROGATE	CODY, WY
5/24/2002	5 POWELL PI HOLDING FACILITY PROCEDURE/IP	POWELL, WY
8/22/2002	40 PATROL INTERDICTION EMERGENCY RESPONSE	WLEA DOUGLAS,
10/30/2002	8 CLANDESTINE LAB RECERTIFICATION	POWELL, WY
11/15/2002	4 PROJECT SAFE NEIGHBORHOODS	LOVELL, WY
12/21/2002	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 02-400-567
1/9/2003	16 HUMAN BEHAVIORAL ISSUES/AMER CULTURE	CASPER, WY
2/28/2003	16 ENFORCING WYOMING DRINKING LAWS BASIC	POWELL, WY
3/13/2003	24 BASIC CRIME SCENE PHOTOGRAPHY	RIVERTON, WY
4/17/2003	20 CUSTODY & CONTROL INSTRUCTOR	WLEA DOUGLAS.
5/16/2003	36 WIA HOMICIDE SCHOOL 2003	GILLETTE, WY
7/30/2003	8 CLANDESTINE LAB FIRST RESPONDER	RIVERTON, WY
9/24/2003	16 CHILD SEXUAL ASSAULT INVESTIGATIONS	RIVERTON, WY
12/10/2003	16 CRIME SCENE PROCESSING/EVIDENCE HANDLING	CODY, WY
1/8/2004	16 JUVENILE AT RISK BEHAVIOR & LEGAL ISSUES	CASPER, WY
1/22/2004	8 INCIDENT COMMAND SYSTEM BASIC	CODY, WY

4/2/2004	16 RESPONSE ANALYSIS (STATEMENT ANALYSIS)	LOVELL, WY
6/21/2004	4 INTOXIMETER UPDATE	POWELL, WY
12/21/2004	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 04-400-600
3/4/2005	24 CHILD FORENSIC INTERVIEW	CASPER, WY
4/7/2005	20 CUSTODY & CONTROL INSTRUCTOR UPDATE	WLEA DOUGLAS
5/13/2005	36 DEATH INVESTIGATIONS/DOMESTIC HOMICIDES	GILLETTE, WY
6/20/2005	8 INTERNET FOR INVESTIGATORS	WLEA DOUGLAS
6/21/2005	8 ADV INTERNET SEARCH FOR INVESTIGATORS	WLEA DOUGLAS
7/13/2005	8 TASER X16 CERTIFICATION	POWELL, WY
9/15/2005	6 PEOPLE v SCOTT PETERSON	WPOA CASPER, WY
10/5/2005	50 PATROL TACTICAL RESPONSE	POWELL, WY
12/5/2005	3 FEMA IS-100 INTRO ICS	ON LINE
1/12/2006	16 TEAM INVESTIGATION/CHILD MALTREATMENT	CASPER, WY
1/25/2006	360 MASTER OF CRIMINAL JUSTICE DEGREE	BOSTON UNIVSITY
4/27/2006	32 SEIZED COMPUTER EVIDENCE RECOVERY	
5/8/2006	8 PHARMACEUTICAL DRUG INVESTIGATIONS	BILLINGS, MT
5/24/2006	24 WY SCHOOL RESOURCE OFFICER LEADERSHIP	JACKSON, WY
6/29/2006	7 SEX ASSAULT INVEST/DNA EVID COLLECTION	CASPER, WY
8/17/2006	16 FIRE INVESTIGATION FOR FIRST RESPONDERS	CODY, WY
12/21/2006	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 06-400-589
1/11/2007	16 VIOLENT CRIME CHILD FORENSIC INTERVIEW	CASPER, WY
4/5/2007	20 CUSTODY/CONTROL INSTR RECERT/UPDATE	WLEA DOUGLAS,
8/29/2007	21 CHILD ABUSE FORENSIC INTERVIEW	CODY, WY
9/5/2007	4 DOMESTIC TERRORISM	LANDER, WY
9/5/2007	4 LIFE & DEATH OF SEARCH & RESCUE	LANDER, WY
9/6/2007	4 FDNY-TWIN TOWERS	LANDER, WY
9/7/2007	3 FEMA IS-100 ICS SINGLE RESRC/INITIAL ACT	ONLINE
10/17/2007	4 IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA DOUGLAS,
11/21/2007	4 INTOXIMETER REFRESHER ECIR	POWELL, WY
11/26/2007	5 GRID SLEUTH	POWELL, WY
1/10/2008	32 EXPANDABLE BATON/*INSTR PREP	BASIN, WY
2/22/2008	4 REVIEW/UPDATE DWUI DETECT-SFST	POWELL, WY
4/2/2008	21 ADV INVESTIGAT STRATEGIES/MULTIDISCIPLIN	THERMOPOLIS, WY
5/9/2008	34 HOMICIDE & COLD CASE INVESTIGATIONS CONF	CODY, WY
9/16/2008	4 GANGS & SECURITY THREAT GROUPS IN JAILS	LARAMIE, WY
9/17/2008	4 SEARCH & SEIZURE	LARAMIE, WY
9/17/2008	4 TERRORISM AWARENESS MEETING THE CHALLENG	LARAMIE, WY
9/18/2008	4 LESSONS FROM AMISH SCHOOL SHOOTINGS	LARAMIE, WY
9/18/2008	4 RECOGNIZING SPANISH DANGER WORDS	LARAMIE, WY
12/21/2008	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 08-400-643
4/6/2009	8 PHARMACEUTICAL DRUG INVESTIGATIONS	CODY, WY
4/16/2009	20 CUSTODY & CONTROL INSTRUCT RECERT UPDATE	WLEA DOUGLAS,
6/26/2009	4 REVIEW/UPDATE:DWUI DETECTION-SFST	POWELL, WY
9/8/2009	4 BASIC GANG INVEST-STREET GANGS	EVANSTON, WY
9/9/2009	4 PRISONER TRANSPORT & RESTRAINTS	EVANSTON, WY
9/9/2009	4 COURT SECURITY - US MARSHAL SERV	EVANSTON, WY
9/10/2009	4 BASIC GANG INVEST-OUTLAW MOTORCYCLE	EVANSTON, WY
10/27/2009	4 VEHICLE TITLE & REGISTRATION TRAIN I-5	CODY, WY
11/14/2009	28 IMMEDIATE ACTION FOR PATROL	POWELL, WY

Summary for 'NAME' = Training Records by Department (157 detail records)

Sum 3420

## WYOMING P.O.S.T. TRAINING RECORDS

ID	PO		LOCATION
NAME	ECKERDT, ROY S.		
DATE	HOURS	COURSE	
6/1/1989	40	COLLEGE TRANSCRIPT	LCCC CHEYENNE,
4/21/1997		TEMPORARY DETENTION CERTIFICATION	POST 97-TDET-030
4/23/1997	8	CUSTODY & CONTROL	CHEYENNE, WY
5/20/1997	4	TASER	CHEYENNE, WY
5/20/1997	4	CELL EXTRACTION	CHEYENNE, WY
7/2/1997	4	EMERGENCY FIRST AID	CHEYENNE, WY
11/18/1999	4	HAZARDOUS MATERIALS	NEBRASKA
12/1/1999	4	CIVIL PROCESS	NEBRASKA
12/10/1999	537	PEACE OFFICER BASIC TRAINING	NEBRASKA
10/31/2000	6	KNOCK & TALK	NEBRASKA
11/17/2000	32	MANAGEMENT	NEBRASKA
7/26/2001	24	STREET SURVIVAL	SIOUX CITY
8/17/2001	4	DOMESTIC VIOLENCE & THE LAW TRAINING	LINCOLN, NE
8/24/2001	40	HAZWOPER CLANDESTINE LABORATORY	LINCOLN, NE
12/20/2001	8	IN CAR VIDEO	NEBRASKA
1/9/2002	18	REID BASIC INTERVIEW & INTERROGATION	SIOUX CITY
4/25/2002	24	DEA SITE SAFETY OFFICERS TRAINING	LINCOLN, NE
1/23/2003	24	STREET SURVIVAL MNG THE NEW LEADERS	SIOUX CITY, IA
2/12/2003		CPR	NEBRASKA
7/14/2003	4	NATL DARE SCHOOL RESOURCE OFFICER	NEBRASKA
9/26/2003	40	INTRODUCTION TO SURVIVAL SPANISH	NEBRASKA
12/8/2003		TEMPORARY PEACE OFFICER CERTIFICATION	POST 03-TEMP-169
12/24/2003	16	INTOXIMETER BASIC	POWELL, WY
2/22/2004		FIREARMS PROFICIENCY TEST (PO)	POWELL, WY
4/27/2004	61	WYOMING CRIMINAL LAW & PROCEDURES	WLEA DOUGLAS.
4/27/2004	14	FAMILY VIOLENCE TRAINING	WLEA DOUGLAS.
4/27/2004		CHALLENGE EXAMINATION (PO)	POST
4/28/2004		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 04-400-251
6/18/2004	40	FIELD TRAINING OFFICER DEVELOPMENT	WLEA DOUGLAS.
4/7/2005	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
4/28/2005		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 05-400-268
5/25/2005	12	AWR-160 WMD AWARENESS TRAIN THE TRAINER	WLEA CASPER, WY
6/21/2005	8	CLANDESTINE LAB RECERTIFICATION	RIVERTON, WY
7/13/2005	8	TASER X26 CERTIFICATION	POWELL, WY
7/20/2005	12	G290 BASIC PUBLIC INFORMATION OFFICER	CODY, WY
9/1/2005	24	FIRST RESPONDER TRAINING PROGRAM	CODY, WY
9/30/2005	50	PATROL TACTICAL RESPONSE	POWELL, WY
11/28/2005	3	FEMA IS-100 INTRO ICS	ON LINE
7/14/2006	28	DRUG TASK FORCE SUPERVISORS SCHOOL	CHEYENNE, WY
9/15/2006	4	EVIDENCE PACKAGING & HANDLING	CODY, WY
9/15/2006	3	WEB BASED EVIDENCE PRE-LOG SUBMISSIONS	CODY, WY
2/2/2007	4	INTOXIMETER REFRESHER ECIR	POWELL, WY
4/4/2007	8	2007 AWR-160 CADRE CONFERENCE	WLEA DOUGLAS,
4/11/2007	16	LE ADMINISTRATORS' CONFERENCE #27	WLEA DOUGLAS,
4/12/2007	4	WASCOP GENERAL MEMBERSHIP MEETING	DOUGLAS, WY
4/28/2007		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 07-400-227
9/11/2007	12	AWR160-WMD-AWARENESS LEVEL TRN/IP	CODY, WY
9/22/2007	3	FEMA IS-800 A INTRO NATL RESPONSE PLAN	ONLINE
10/23/2007	8	K-9 LEGAL UPDATE	JACKSON, WY
11/26/2007	5	GRID SLUET <sup>TM</sup>	POWELL, WY
2/20/2008	16	HIRING & BACKGROUND INVESTIGATIONS	LOVELAND, CO

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4/8/2008	9 LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
6/5/2008	17 ANNUAL LE COORDINATING COMMITTEE CONFER	JACKSON, WY
10/22/2008	16 MANAGING CRIMINAL INVESTIGATIONS	LOVELAND, CO
1/30/2009	8 EXPANDABLE BATON	POWELL, WY
4/28/2009	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-232
6/17/2009	16 PROPERTY & EVIDENCE MANAGEMENT LE AGENCY	CHEYENNE, WY
6/26/2009	4 REVIEW/UPDATE DWUI DETECTION-SFST	POWELL, WY
9/8/2009	4 HUMAN DYNAMICS IN CRASH INVEST & AUTOPSY	BILLINGS, MT
10/2/2009	40 A PROGRAM IN MANAGING PERFORMANCE	POWELL, WY
10/27/2009	4 VEHICLE TITLE & REGISTRATION TRAIN 1-5	CODY, WY
11/9/2009	28 IMMEDIATE ACTION FOR PATROL	POWELL, WY
1/29/2010	4 INTOXIMETER ECIR REFRESHER	POWELL, WY
2/9/2010	2 ENVIRONMENTAL SAMPLE COLLECTION 1ST RESP	CODY, WY

Summary for 'NAME' = Training Records by Department (64 detail records)

Sum 1360

## WYOMING P.O.S.T. TRAINING RECORDS

*ID PO*

**NAME HALL, MICHAEL S.**

<b>DATE</b>	<b>HOURS</b>	<b>COURSE</b>	<b>LOCATION</b>
7/23/2007		TEMPORARY PEACE OFFICER CERTIFICATION	POST 07-TEMP-007
10/18/2007	4	IN CUSTODY DEATHS/EXCITED DELIRIUM	WLEA DOUGLAS,
10/30/2007	3	FEMA IS-100.LF INTRO IC'S LAW ENFORCEMENT	ONLINE
11/12/2007	3	FEMA IS-700 INTRO NIMS	ONLINE
11/26/2007	3	FEMA IS-200 IC'S SINGLE RESRC/INITIAL ACT	ONLINE
12/28/2007	8	INTOXIMETER ECIR-BASIC	POWELL, WY
3/27/2008	520	PEACE OFFICER BASIC TRAINING COURSE	WLEA DOUGLAS,
3/28/2008		BASIC PEACE OFFICER CERTIFICATION	POST 08-100-031
4/8/2008	9	LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
8/8/2008	40	DRUG INVESTIGATIONS	RIVERTON, WY
2/13/2009	8	EXPANDABLE BATON	POWELL, WY
4/6/2009	8	PHARMACEUTICAL DRUG INVESTIGATIONS	CODY, WY
4/7/2009		ADVANCED PEACE OFFICER CERTIFICATION	POST 09-300-035
4/29/2009	24	REID INTERVIEW & INTERROGATION	LARAMIE, WY
4/30/2009	8	ADVANCED REID INTERVIEW & INTERROGATION	LARAMIE, WY
6/26/2009	4	REVIEW/UPDATE DWUI DETECTION-SFST	POWELL, WY
10/27/2009	4	VEHICLE TITLE & REGISTRATION TRAIN 8-12	CODY, WY
11/9/2009	28	IMMEDIATE ACTION FOR PATROL	POWELL, WY
Summary for 'NAME' = Training Records by Department (18 detail records)			
<b>Sum</b>		<b>674</b>	

**WYOMING P.O.S.T. TRAINING RECORDS****ID PO**

NAME LARA, BRETT D.

**DATE HOURS COURSE****LOCATION**

11/22/1996	0	DETENTION OFFICER BASIC COURSE	MONTANA
8/15/1997	500	BS DEGREE BUSINESS ADMINISTRATION	MONTANA
7/22/2000	0	TEMPORARY PEACE OFFICER CERTIFICATION	POST 00-TEMP-101
4/6/2003		BASIC PEACE OFFICER CERTIFICATION	POST 01-100-021
4/6/2001	482	PEACE OFFICER BASIC COURSE	WLEA DOUGLAS.
4/26/2001	8	NWET REGIONAL DRUG SCHOOL	LOVELL, WY
7/12/2001	18	REID INTERROGATION & INTERVIEW	LOVELL, WY
1/30/2002	24	OFFICER SURVIVAL/COMMUNICATION SPANISH	WLEA DOUGLAS,
3/5/2002	16	BASIC RADAR INSTRUCTION	CODY, WY
3/27/2002	100	SPANISH IMMERSION FOR LAW ENFORCEMENT	WLEA DOUGLAS.
4/6/2002		ADVANCED PEACE OFFICER CERTIFICATION	POST 02-300-027
4/26/2002	6	ADVANCED REID TECH INTERVIEW/INTERROGATE	CODY, WY
5/24/2002	4	POWELL PD HOLDING FACILITY PROCEDURES	POWELL, WY
11/8/2002	16	RURAL PATROL DRUG INVESTIGATE/INTERDICT	LOVELL, WY
2/28/2003	16	ENFORCING WYOMING DRINKING LAWS BASIC	POWELL, WY
4/6/2003		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 03-400-285
6/13/2003	40	PATROL INTERDICTION EMERGENCY RESPONSE	POWELL, WY
6/20/2003	40	FIELD TRAINING OFFICER DEVELOPMENT	WLEA DOUGLAS,
6/30/2003	64	FIRST LINE SUPERVISION	WLEA POWELL, WY
12/24/2003	16	INTOXIMETER BASIC	POWELL, WY
8/13/2004	40	DRUG INVESTIGATIONS	RIVERTON, WY
11/6/2004	16	CONSPIRACY INVESTIGATIONS	BASIN, WY
3/25/2005	40	NEW DETECTIVE & CRIMINAL INVESTIGATORS	WLEA DOUGLAS,
4/6/2005		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 05-400-269
7/18/2005	8	TASER X26 CERTIFICATION	POWELL, WY
10/5/2005	50	PATROL TACTICAL RESPONSE	POWELL, WY
4/6/2007		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 07-400-228
9/4/2007	3	FEMA IS 100 INTO ICS 100	ONLINE
9/5/2007	3	FEMA IS-700 INTRO NIMS	ONLINE
9/8/2007	3	FEMA IS-200 ICS SINGLE RESRC/INITIAL ACT	ONLINE
11/21/2007	4	INTOXIMETER 2 REFRESHER ECIR	POWELL, WY
11/26/2007	5	GRID SLUETH	POWELL, WY
2/22/2008	4	REVIEW/UPDATE DWUI DETECT/SFST	POWELL, WY
4/8/2008	9	LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
5/9/2008	34	HOMICIDE AND COLD CASE INVESTIGATIONS	CODY, WY
1/15/2009	68	INVESTIGATION OF COMPUTER CRIME	CHEYENNE, WY
1/15/2009	68	INVESTIGATION OF COMPUTER CRIMES	CHEYENNE, WY
1/30/2009	8	EXPANDABLE BATON	POWELL, WY
4/6/2009		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-233
4/23/2009	19	SEXUAL ASSAULT SUMMIT VIII	CASPER, WY
6/26/2009	4	REVIEW/UPDATE:DWUI DETECTION-SFST	POWELL, WY
11/14/2009	28	IMMEDIATE ACTION FOR PATROL	POWELL, WY

Summary for 'NAME' = Training Records by Department (42 detail records)  
 Sum 1764

## WYOMING P.O.S.T. TRAINING RECORDS

*ID PO*

**NAME** FEATHERS, TIMOTHY L.

<b>DATE</b>	<b>HOURS</b>	<b>COURSE</b>	<b>LOCATION</b>
8/4/1978	320	BASIC TRAINING	OHIO
1/19/1979	32	PR-24 BATON TACTICS	OH
12/13/1980	600	BS DEGREE CRIMINAL JUSTICE	BOWLING GREEN,
9/4/1981	27	FIREARMS TRAINING PROGRAM	POWELL, WY
1/1/1981	40	WYOMING CRIMINAL LAW & PROCEDURES	WLEA DOUGLAS,
12/21/1981	0	PROFESSIONAL CERTIFICATION	POST 81-400-560
2/4/1982	16	BASIC PR-24 BATON	CODY, WY
4/9/1982	80	DEA NARCOTICS INVESTIGATION	WLEA DOUGLAS,
1/1/1983	0	PROFESSIONAL RECERTIFICATION	POST 82-400-510
1/25/1983	8	BASIC KUBOTAN	POWELL, WY
3/31/1983	4	BASIC OPERATOR IR3000	POWELL, WY
4/19/1983	12	TRAIN THE TRAINER	POWELL, WY
5/27/1983	44	POLICE FIREARMS INSTRUCTOR	WLEA DOUGLAS,
5/14/1984	16	OFFICER SURVIVAL	CODY, WY
9/7/1984	0	INSTRUCTOR CERTIFICATION	POST 84-500-171
1/1/1985	0	PROFESSIONAL RECERTIFICATION	POST 85-400-165
2/6/1985	16	EXPLOSIVE FAMILIARIZATION	LOVELL, WY
3/7/1985	24	RADAR CERTIFICATION	WLEA DOUGLAS,
5/23/1985	5	EXPLOSIVE RECOGNITION & SAFETY	CODY, WY
2/13/1986	4	BASIC KUBOTAN	CODY, WY
2/13/1986	4	BASIC SIDEHANDLE BATON	CODY, WY
6/12/1986	24	ADVANCED DUI ENFORCEMENT	WLEA DOUGLAS,
9/2/1986	0	INSTRUCTOR CERTIFICATION	POST 86-500-199
1/1/1987	0	PROFESSIONAL RECERTIFICATION	POST 87-400-132
2/5/1987	8	INVESTIGATION OF SATANISM	LOVELL, WY
10/15/1987	24	FAMILY VIOLENCE TRAINING	CODY, WY
3/18/1988	40	FIRST LINE SUPERVISION	WLEA DOUGLAS,
4/14/1988	4	CRIMINAL INTELL TASK FORCE PART I	POWELL, WY
4/22/1988	4	CRIMINAL INTELL TASK FORCE PART II	CODY, WY
5/11/1988	20	ADVANCED POLICE PISTOL	THERMOPOLIS, WY
10/13/1988	8	STREET LEVEL NARCOTIC ENFORCEMENT	POWELL, WY
12/6/1988	16	BASIC SIDEHANDLE BATON	POWELL, WY
12/7/1988	8	BASIC KUBOTAN	POWELL, WY
1/1/1989	0	PROFESSIONAL CERTIFICATION	POST 89-400-125
1/22/1989	16	MANAGING SEARCH OPERATIONS	CODY, WY
2/7/1989	14	FIREARMS INSTRUCTOR UPDATE	WLEA DOUGLAS,
8/11/1989	80	FIREARMS INSTRUCTOR CERTIFICATION	WLEA DOUGLAS,
9/29/1989	32	EXECUTIVE DEVELOPMENT	GILLETTE, WY
11/30/1989	24	PATROL RESPONSE CRITICAL INCIDENT	POWELL, WY
2/13/1990	12	WY LAW ENF FIREARMS INSTRUCT ASSOC	DOUGLAS, WY
4/5/1990	20	LAW ENFO CE ADMINISTRATORS CONF	WLEA DOUGLAS,
8/31/1990	44	NRA POLICE RIFLE INSTRUCTOR	JACKSON, WY
11/28/1990	4	REC & ID HAZ MAT	CODY, WY
1/1/1991	0	PROFESSIONAL CERTIFICATION	POST 91-400-096
1/12/1991	8	CHILD PROTECTION WORKSHOP	CODY, WY
2/15/1991	14	WY LE FIREARMS INSTRUCTOR ASSOC	DOUGLAS, WY
5/22/1991	24	SMALL DEPARTMENT BUDGET	WLEA DOUGLAS,
5/30/1991	4	TACTICAL COMMUNICATIONS	WLEA POWELL, WY
8/30/1991	17	WASPC ANNUAL TRAINING	JACKSON, WY
4/18/1992	16	OVERVIEW OF DEADLY FORCE/INSTR PREP	POWELL, WY
6/4/1992	4	OLEORISIN CAPSICUM DEFENSIVE SPRAY	POWELL, WY

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6/30/1992	16	WLEA FIREARMS INSTRUCTOR UPDATE	WLEA DOUGLAS.
10/16/1992	40	MID-LEVEL MANAGEMENT	WLEA DOUGLAS,
12/7/1992	96	BASIC RIFLE TRAINING/INSTR PREP	DOUGLAS, WY
12/14/1992	7	FRANKLIN TIME MANAGEMENT	POWELL, WY
12/25/1992	1	VEHICLE STOPS LEGAL ISSUES	LETN POWELL, WY
12/27/1992	1	PREPARING FOR COURT	LETN POWELL, WY
12/29/1992	1	BLOODBORNE PATHOGENS PART 1	LETN POWELL, WY
12/30/1992	1	BLOODBORNE PATHOGENS PART 2	LETN POWELL, WY
12/31/1992	1	BLOODBORNE PATHOGENS PART 3	LETN POWELL, WY
1/1/1993	0	PROFESSIONAL CERTIFICATION	POST 93-400-081
1/2/1993	1	ICMA SERIES PART 3 PATROL FUNCTION	LETN POWELL, WY
1/22/1993	1	TRAFFIC CONTROL	LETN POWELL, WY
2/1/1993	1	PURSUIT DRIVING PART 1	LETN POWELL, WY
2/2/1993	1	PURSUIT DRIVING PART 2	LETN POWELL, WY
2/3/1993	1	PURSUIT DRIVING PART 3	LETN POWELL, WY
2/4/1993	1	PURSUIT DRIVING PART 4	LETN POWELL, WY
2/8/1993	8	SIDEHAN DLE BATON RECERTIFICATION	POWELL, WY
2/23/1993	1	STUNNING TECHNIQUES	LETN POWELL, WY
2/23/1993	1	TRAFFIC CONTROL PART 2	LETN POWELL, WY
3/1/1993	1	TRAINING TECHNIQUES GOAL ANALYSIS	LETN POWELL, WY
3/3/1993	1	FIELD TRAIN LAW ENF ESSENTIAL ELEM	LETN POWELL, WY
3/28/1993	1	DRAWING THE HANDGUN	LETN POWELL, WY
3/31/1993	1	CREATING THE CLIMATE FOR LEARNING	LETN POWELL, WY
4/6/1993	24	PATROL RESP TO CRIT INC/INSTR PREP	POWELL, WY
6/21/1993	1	EXERCISE PATROL PHYSIQUE PART 1	LETN POWELL, WY
6/22/1993	1	ICMA PART 19 PERSPECTIVES	LETN POWELL, WY
6/23/1993	1	MNGT & THE USE OF FORCE PART 1	LETN POWELL, WY
6/24/1993	1	POLICE VIDEOGRAPHY PT 1 THE BASICS	LETN POWELL, WY
8/22/1993	1	HIGH STRESS SPEAKING	LETN POWELL, WY
8/23/1993	1	CONCERN OF POLICE SURVIVORS PART 1	LETN POWELL, WY
8/28/1993	24	BASIC CL STODY & CONTROL	POWELL, WY
10/10/1993	1	HOSTAGE NEGOTIATIONS PART 1	LETN POWELL, WY
10/18/1993	1	COLLAPSIBLE BATON	LETN POWELL, WY
10/27/1993	1	TRAFFIC STOPS	LETN POWELL, WY
10/28/1993	1	THE SCIENCE OF SURVIVAL PART 3	LETN POWELL, WY
11/7/1993	1	MANAGING DIVERSITY PART 1	LETN POWELL, WY
12/1/1993	1	VEHICLE STOPS INITIAL CONTACT	LETN POWELL, WY
12/1/1993	1	COMMUNITY POLICING UPDATE PART 1	LETN POWELL, WY
1/16/1994	1	I SO NOW YOU'RE A SERGEANT	LETN POWELL, WY
2/21/1994	4	INTOXIMETER REFRESHER	POWELL, WY
4/7/1994	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
9/29/1994	24	STREET SURVIVAL	CHEYENNE, WY
10/13/1994	16	BASIC ACCIDENT INVESTIGATION	WLEA POWELL, WY
1/1/1995		PROFESSIONAL CERTIFICATION	POST 95-400-082
2/6/1995	4	CONTACT/COVER	POWELL, WY
2/6/1995	4	OC DEFENSIVE AEROSOL SPRAY	POWELL, WY
4/30/1995	64	INTERIOR TACTICS/INSTR PREP	POWELL, WY
5/15/1995	8	BASIC LIFE SUPPORT/CPR	POWELL, WY
6/21/1995	16	WLEFIA CONFERENCE	WLEA DOUGLAS,
6/23/1995	8	WLEA FIREARMS INSTRUCTOR UPDATE	WLEA DOUGLAS,
3/8/1996	40	COMMAND POST OPERATIONS	CASPER, WY
9/18/1996	20	PROACTIVE PATROL	MONTANA
1/1/1997		PROFESSIONAL CERTIFICATION	POST 97-400-069
2/27/1997	6	DIRECTED PATROL/INSTR PREP	POWELL, WY
3/17/1997	4	GANG AWARENESS/RECOGNITION	POWELL, WY
3/20/1997	16	ICS FOR LAW ENFORCEMENT G190	POWELL, WY
6/20/1997	440	FBI NATIONAL ACADEMY	QUANTICO, VA

7/10/1997	4	USE OF FORCE UPDATE	WLEA POWELL, WY
7/17/1998	40	EXECUTIVE ISSUES SYMPOSIUM	WLEA DOUGLAS,
9/18/1998	36	LAW ENF EXECUTIVE DEVELOPMENT	LAWRENCE, KS
1/1/1999		PROFESSIONAL PO CERTIFICATION	POST 99-400-054
4/15/1999	20	LAW ENF ADMINISTRATORS CONFERENCE	WLEA DOUGLAS,
8/17/1999	32	M-14 RIFLE BASIC/INSTR PREP	CODY, WY
9/2/1999	24	WLEA FIREARMS INSTRUCTOR UPDATE	WLEA DOUGLAS,
10/13/1999	6	PREVENTION OF METHAMPHETAMINE USE	POWELL, WY
12/6/1999	4	EC/R UPDATE	POWELL, WY
4/13/2000	20	LAW ENF ADMINISTRATORS CONF	WLEA DOUGLAS,
6/28/2000	24	HIGH PROFILE INCIDENT MANAGEMENT	WLEA DOUGLAS,
8/22/2000	16	MULTI-HAZARD PROGRAMS FOR SCHOOLS	CASPER, WY
9/14/2000	4	WY PEACE OFFICER ASSOC CONFERENCE	WLEA RIVERTON,
1/1/2001		PROFESSIONAL PO CERTIFICATION	POST 01-400-049
3/30/2001	16	PERSONAL INTEGRITY & PUBLIC TRUST	WLEA DOUGLAS,
4/12/2001	16	LAW ENF ADMINISTRATORS CONFERENCE	WLEA DOUGLAS,
9/12/2001	4	USE OF FORCE UPDATE	WLEA CHEYENNE,
9/13/2001	4	PATROL RESPONSE TO ACTIVE SHOOTER	CHEYENNE, WY
10/9/2001	4	INTERNATIONAL TERRORISM	DOUGLAS, WY
12/14/2001	8	CHARACTER FIRST	POWELL, WY
12/24/2001	48	BASIC FIREARMS HANDGUN & RIFLE/IP	POWELL, WY
3/29/2002	40	PATROL INTERDICTION EMERGENCY RESPONSE	RIVERTON, WY
4/11/2002	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
5/1/2002	24	WLEA FIREARMS INSTRUCTOR UPDATE	WLEA DOUGLAS,
5/24/2002	4	POWELL PD HOLDING FACILITY PROCEDURES	POWELL, WY
5/30/2002	16	WY ALCOHOL EDUCATION SHOWCASE	JACKSON, WY
6/19/2002	16	WMD THREAT & RISK ASSESSMENT	CODY, WY
1/1/2003		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 03-400-136
2/26/2003	16	ENFORCING WYOMING DRINKING LAWS BASIC	POWELL, WY
4/10/2003	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
1/22/2004	8	INCIDENT COMMAND SYSTEM BASIC	CODY, WY
3/31/2004	24	FIREARMS INSTRUCTOR RE-CERT & UPDATE	WLEA DOUGLAS,
4/2/2004	16	LOW LIGHT TACTICAL INSTRUCTOR	WLEA DOUGLAS,
4/8/2004	20	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
6/30/2004	22	WY CONF ON SCHOOL & COMMUNITY SAFETY	CASPER, WY
9/15/2004	4	SHERIFFS & CHIEFS ROUNDTABLE	SHERIDAN, WY
9/15/2004	4	BULLET PROOFING YOUR MINO	SHERIDAN, WY
1/1/2005		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 05-400-099
1/27/2005	6	UPDATE STATE/FEDERAL & LEGISLATIVE ISSUES	CHEYENNE, WY
4/7/2005	16	LAW ENFORCEMENT ADMINISTRATORS CONF	WLEA DOUGLAS,
6/9/2005	20	LECC CONFERENCE	JACKSON, WY
7/18/2005	8	TASER X26 CERTIFICATION	POWELL, WY
9/14/2005	5	SHERIFFS & CHIEFS ROUNDTABLE	CASPER, WY
9/30/2005	50	PATROL TACTICAL RESPONSE	POWELL, WY
11/7/2005	3	FEMA IS-100 INTRO ICS	ON LINE
11/21/2005	3	FEMA IS-700 INTRO NIMS	ON LINE
2/23/2006	10	ANNUAL LEG SLATIVE TRAINING & MEETING	CHEYENNE, WY
4/5/2006	4	WASC GENERAL MEMBERSHIP MEETING	DOUGLAS, WY
4/6/2006	24	FIREARMS INSTRUCTOR RECERT & UPDATE	WLEA DOUGLAS,
6/8/2006	20	LECC ANNUAL CONFERENCE	JACKSON, WY
8/6/2006	2	BASIC EMERGENCY VEHICLE OPERATION	POWELL, WY
9/11/2006	3	WASCOP ADMINISTRATION ISSUES MEETING	GILLETTE, WY
1/1/2007		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 07-400-062
4/11/2007	16	LE ADMINISTRATORS' CONFERENCE #27	WLEA DOUGLAS
4/12/2007	4	WASCOP GENERAL MEMBERSHIP MEETING	DOUGLAS, WY
6/21/2007	18	2007 LECC CONFERENCE	JACKSON, WY
8/24/2007	3	FEMA IS-200 ICS SINGLE RESRC/INITIAL ACT	ONLINE

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8/25/2007	3 FEMA IS-500.A INTRO NATL RESPONSE PLAN	ONLINE
9/4/2007	5 ANNUAL SHERIFFS/CHIEFS TRAIN MEETING	LANDER, WY
12/5/2007	22 PROJECT SAFE CHILDHOOD CONFERENCE	ST LOUIS, MO
4/9/2008	16 LAW ENFORCE ADMINISTRATORS CONFERENCE	WLEA DOUGLAS.
4/10/2008	5 WY ASSOC SHERIFFS & CHIEFS POLICE MEET	DOUGLAS, WY
7/22/2008	10 ASSESSMENT CENTER DEVELOPMENT	DOUGLAS, WY
8/6/2008	5 WASCOP GEN MEMBERSHIP MEETING & TRAINING	DOUGLAS, WY
1/1/2009	PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-046
2/4/2009	12 WASCOP LEGISLATIVE TRAINING & MEETING	CHEYENNE, WY
2/13/2009	8 EXPANDABLE BATON	POWELL, WY
4/8/2009	16 ADMINISTRATORS' CONFERENCE #29	WLEA DOUGLAS.
4/9/2009	4 WASCOP GENERAL MEMBERSHIP MEETING/TRAIN	DOUGLAS, WY
6/26/2009	4 REVIEW/UPDATE DWUI DETECTION-SFST	POWELL, WY
9/23/2009	6 WASCOP ANNUAL MEETING/TRAINING	LARAMIE, WY
9/26/2009	8 FANTASY BASED CRIMES	JACKSON, WY
10/2/2009	40 A PROGRAM IN MANAGING PERFORMANCE	POWELL, WY
10/7/2009	7 116TH ANNUAL IACP CONFERENCE	DENVER, CO
10/30/2009	15 ASSESSMENT CENTER/ASSESSOR TRAINING	DOUGLAS, WY
11/9/2009	28 IMMEDIATE ACTION FOR PATROL	POWELL, WY
1/13/2010	5 ENFORCE UNDERAGE DRINKING LAWS TEAM MEET	LANDER, WY

Summary for 'NAME' = Training Records by Department (185 detail records)

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Name	Course Title	EndDate	Hours
BRILAKIS, MATTHEW	IS-100	1/25/2007	3
BRILAKIS, MATTHEW	MDB Training	1/10/2007	2
BRILAKIS, MATTHEW	Master LEO/Office of Professional Standards	10/23/2006	2
BRILAKIS, MATTHEW	Master LEO/K-9	10/18/2006	2
brilakis, matthew	IS-200	6/15/2006	3
brilakis, matthew	Search and Seizure Seminar	5/19/2006	6
brilakis, matthew	2006 In-Service Force On Force	3/24/2006	8
brilakis, matthew	2006 In-Service Human Diversity	3/23/2006	8
Brilakis, Matthew	2006 In-Service Mental Illness/Elderly	3/22/2006	1
Brilakis, Matthew	2006 In-Service Blood Kits	3/22/2006	1
Brilakis, Matthew	2006 In-Service Property Submission Reports	3/22/2006	1
Brilakis, Matthew	2006 In-Service Child Abuse	3/22/2006	1
Brilakis, Matthew	2006 In-Service VIN	3/22/2006	1
Brilakis, Matthew	2006 In-Service In-Progress Calls	3/22/2006	1
Brilakis, Matthew	2006 In-Service Domestic Violence	3/22/2006	1
Brilakis, Matthew	2006 In-Service Economic Felony Lane	3/22/2006	1
Brilakis, matthew	FCIC Certification	2/18/2006	1
BRILAKIS, MATTHEW	Criminal Street Gang and Major Drug Crime Modules	1/10/2006	40
Brilakis, Matthew	SEARCH & SEIZURE	5/13/2005	6
Brilakis, Matthew	MASTER L.E.O./RECORDS	4/12/2005	2
Brilakis, Matthew	MASTER L.E.O./CAPS	4/11/2005	2
Brilakis, Matthew	SURVIVAL AWARENESS IN-SERVICE	4/1/2005	40
Brilakis, Matthew	IN-SERV. FITFOR DUTY	1/28/2005	8
Brilakis, Matthew	IN-SERV. D.T.	1/27/2005	8
Brilakis, Matthew	IN-SERV. CPR	1/26/2005	2
Brilakis, Matthew	IN-SERV. GANG	1/26/2005	1
Brilakis, Matthew	IN-SERV. BLOODBORNE	1/26/2005	0
Brilakis, Matthew	IN-SERV. ETHICS	1/26/2005	1
Brilakis, Matthew	IN-SERV. NARCOTICS	1/26/2005	2
Brilakis, Matthew	BREATH TEST OPERATOR RENEWAL	11/15/2004	8
Brilakis, Matthew	BREATH TEST OPERATOR RENEWAL	11/15/2004	8
Brilakis, Matthew	N.I.M.S. TRAINING	10/20/2004	2
Brilakis, Matthew	DEF. DRIVING	6/16/2004	8
Brilakis, Matthew	ASS./ACC./CIU	5/6/2004	8
Brilakis, Matthew	ADVANCED STREET GANGS	4/30/2004	40
Brilakis, Matthew	X-26 TASER TRANSITION COURSE	4/29/2004	2
Brilakis, Matthew	MASTER L.E.O./CHIEF'S OFFICE	4/26/2004	2
Brilakis, Matthew	MASTER L.E.O./K-9	4/23/2004	2
Brilakis, Matthew	DEPO./TRAFFIC/BB/PPE	4/9/2004	8
Brilakis, Matthew	IN-SERVICE-DOM.VIOLENCE	10/20/2003	2
Brilakis, Matthew	IN-SERVICE DT/TASER/BATON	10/9/2003	5
Brilakis, Matthew	CHILD ABUSE	10/9/2003	4
Brilakis, Matthew	IN-SERVICE DT/TASER/BATON	10/9/2003	5
Brilakis, Matthew	IN-SERV. SCENARIO-LOW LIGHT	10/8/2003	10
Brilakis, Matthew	CPR/BLOODBORNE/HAZMAT	10/7/2003	5
Brilakis, Matthew	FIT-TESTING	10/7/2003	0
Brilakis, Matthew	IN-SERVICE RIFLE TRAINING	10/7/2003	2
Brilakis, Matthew	HUMAN DIVERSITY/RAC.PROF.	10/6/2003	8
Brilakis, Matthew	MASTER L.E.O./VIN	4/23/2003	2
Brilakis, Matthew	MASTER L.E.O./K-9	4/17/2003	2
Brilakis, Matthew	TRAFFIC LASER OPERATOR TRANSITION COURSE	3/21/2003	12

Brilakis, Matthew	LANDLORD/TENANT TRAINING	3/19/2003	2
Brilakis, Matthew	CHEMICAL TEST REQUALIFICATION	2/21/2003	8
Brilakis, Matthew	SCENARIO'S-R.E.D./CELL	6/11/2002	9
Brilakis, Matthew	WEAPONS OF MASS DESTRUCTION	5/27/2002	10
Brilakis, Matthew	AR-15 FAMILIARIZATION	4/8/2002	4
Brilakis, Matthew	TASER	4/8/2002	5
Brilakis, Matthew	LEO FLYING ARMED	3/18/2002	2
Brilakis, Matthew	MASTER L.E.O./TAG	3/11/2002	2
Brilakis, Matthew	FCIC - RE-CERT.	3/7/2002	1
Brilakis, Matthew	STREET CRIMES & SURVEILLANCE TECHNIQUES	2/27/2002	24
Brilakis, Matthew	STREET CRIMES & SURVEILLANCE TECHNIQUES	2/27/2002	24
Brilakis, Matthew	STREET GANGS: I.D. & INVESTIGATION	9/28/2001	40
Brilakis, Matthew	STREET GANGS: I.D. & INVESTIGATION	9/28/2001	40
Brilakis, Matthew	HAZMAT	8/20/2001	4
Brilakis, Matthew	BLOODBORNE	8/20/2001	3
Brilakis, Matthew	REID METHOD OF CRIMINAL INVERVIEWS & INTERR	8/9/2001	24
Brilakis, Matthew	GANG INVESTIGATION & INTERVENTION	6/29/2001	8
Brilakis, Matthew	UNDERCOVER SURVIVAL	5/30/2001	16
Brilakis, Matthew	INTOXILYZER 5000 REFRESHER	5/14/2001	4
Brilakis, Matthew	LANDLORD-TENANT & HOTEL-MOTEL TRAIN THE TR	4/23/2001	8
Brilakis, Matthew	VERBAL JUDO	4/9/2001	8
Brilakis, Matthew	C.P. R. RECERTIFICATION	4/9/2001	1
Brilakis, Matthew	VIDEO TRAINING	1/22/2001	0
Brilakis, Matthew	MASTER L.E.O./YLO	12/28/2000	1
Brilakis, Matthew	VIDEO TRAINING	12/19/2000	0
Brilakis, Matthew	INTERNAL AFFAIRS	12/18/2000	1
Brilakis, Matthew	HATE CRIMES/VIC.ADV.	12/18/2000	1
Brilakis, Matthew	OPERATIONAL PHILOSOPHY	12/18/2000	3
Brilakis, Matthew	DT - HANDCUFFING	12/18/2000	4
Brilakis, Matthew	SCENARIO'S - CELL MOVEMENT	10/18/2000	9
Brilakis, Matthew	CRITICAL INCIDENT	10/17/2000	1
Brilakis, Matthew	VIDEO TRAINING	8/28/2000	1
Brilakis, Matthew	VIDEO TRAINING	7/31/2000	0
Brilakis, Matthew	VIDEO TRAINING	6/24/2000	0
Brilakis, Matthew	SCENARIO-OFFICER SURVIVAL IV	6/12/2000	9
Brilakis, Matthew	SEARCH & SEIZURE	5/15/2000	2
Brilakis, Matthew	DT-2000	5/15/2000	5
Brilakis, Matthew	CHECK FRAUD	5/15/2000	2
Brilakis, Matthew	NARCOTICS I.D.	4/28/2000	40
Brilakis, Matthew	LIMITED ACCESS RECERT/FCIC RECERT.	3/15/2000	1
Brilakis, Matthew	CRIME SCENE MANAGEMENT FOR DETECTIVES	3/3/2000	20
Brilakis, Matthew	AUTO THEFT	2/29/2000	1
Brilakis, Matthew	CHILD ABUSE	2/29/2000	8
Brilakis, Matthew	INSTRUCTOR TECHNIQUES	1/28/2000	80
Brilakis, Matthew	Hobble RIPP Restraint	12/30/1999	2
Brilakis, Matthew	FIELD FORCE TRAINING	12/7/1999	9
Brilakis, Matthew	BREATH ALCOHOL TESTING	10/16/1999	80
Brilakis, Matthew	FIELD FORCE TRAINING	1/11/1999	9

## WYOMING P.O.S.T. TRAINING RECORDS

**ID PO**

**NAME DANZER, MATTHEW A.**

<b>DATE</b>	<b>HOURS</b>	<b>COURSE</b>	<b>LOCATION</b>
5/5/2004	1000	BS DEGREE CRIMINAL JUSTICE TEMPORARY PEACE OFFICER CERTIFICATION	PENSACOLA
7/8/2004		BASIC PEACE OFFICER CERTIFICATION	POST 04-TEMP-089
3/24/2005	515	PEACE OFFICER BASIC TRAINING COURSE	POST 05-100-014
3/24/2005	8	TASER X.6 CERTIFICATION	WLEA DOUGLAS,
7/13/2005	50	PATROL TACTICAL RESPONSE .	POWELL, WY
10/5/2005	16	BASIC RADAR/WHP RADAR/LIDAR OPS	POWELL, WY
3/2/2006	3	FEMA IS-700 INTRO NIMS	ON LINE
3/24/2006	8	INTOXIMETER ECIR BASIC	POWELL, WY
3/25/2006		ADVANCED PEACE OFFICER CERTIFICATION	POST 06-300-049
3/25/2007		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 07-400-158
4/18/2007	16	STREET SURVIVAL TACTICAL EDGE	DENVER, CO
5/26/2007	16	DRUG RECOGNITION EXPERT PRELIMINARY SCHO	CASPER, WY
6/15/2007	40	RADAR/LIDAR INSTRUCTOR COURSE	LARAMIE, WY
8/17/2007	40	DWI INSTRUCTOR	LARAMIE, WY
9/15/2007	3	FEMA IS-700 ICS SINGLE RESRC/INITIAL ACT	ONLINE
10/4/2007	72	FIRST LINE SUPERVISION	WLEA, WY
11/28/2007	3	FEMA IS-700 INTRO ICS	ON LINE
2/22/2008	8	REVIEW/UPDATE DWI DETECT/SFST/*IP	POWELL, WY
4/8/2008	9	LE STRATEGIES/REDUCE UNDERAGE DRINKING	POWELL, WY
6/13/2008	40	FIELD TRAINING OFFICER DEVELOPMENT	WLEA DOUGLAS,
9/16/2008	4	GANGS & SECURITY THREAT GROUPS IN JAILS	LARAMIE, WY
9/17/2008	4	TERRORISM AWARENESS MEETING THE CHALLENG	LARAMIE, WY
9/17/2008	4	SEARCH & SEIZURE	LARAMIE, WY
9/18/2008	4	LESSONS FROM AMISH SCHOOL SHOOTINGS	LARAMIE, WY
9/18/2008	4	RECOGNIZING SPANISH DANGER WORDS	LARAMIE, WY
9/19/2008	8	PATROL RESPONSE TO ACTIVE SHOOTER	LARAMIE, WY
11/14/2008	8	SCHOOL SAFETY & PREPARATION	LANDER, WY
1/30/2009	8	EXPANDABLE BATON	POWELL, WY
3/25/2009		PROFESSIONAL PEACE OFFICER CERTIFICATION	POST 09-400-160
3/25/2009	4	INTOXIMETER ECIR-REFRESHER	POWELL, WY
5/28/2009	4	HGN: ANATOMY TO PROSECUTE	CODY, WY
10/9/2009	40	THE SERGEANTS' ACADEMY	CODY, WY
10/27/2009	4	VEHICLE TITLE & REGISTRATION TRAIN 1-5	CODY, WY
11/14/2009	28	IMMEDIATE ACTION FOR PATROL	POWELL, WY

Summary for 'NAME' = Training Records by Department (35 detail records)  
**Sum** 1971

WACHSMUTH V. CITY OF  
POWELL CV 10-041J

PLAINTIFF'S EXHIBIT  
# **35**

Powell Police Department  
4<sup>th</sup> Quarter 2005  
Patrol Friday Training

- 10/21 Roll Call Video (Your Vest Won't Stop This Bullet)
- 10/28 NIMS Training
- 11/04 NIMS Training
- 11/11 NIMS Training
- 11/18 Proper use and collection of blood kits
- 11/25 Proper use and collection of UA kits
- 12/02 Pursuits
- 12/09 Search Warrants
- 12/16 Proper use and collection of Sexual Assault kits
- 12/23 K-9
- 12/30 Handcuffing

**Powell Police Department**  
**Friday Training 2006**

Date	Training	Research POC
February '06		
	Blair's Market Trespass	Hand Out
	Vehicle Consent Searches	Hand Out
	Night Time Traffic Stops	SOP
	Felony Stops	SOP
March '06		
	K-9	Chad & Section 3.9
	Prisoner Handling and Transport	Policy Page #3.4.06
	Booking Room Security and Control	Policy Page #3.5.02
	Pursuits	Policy Page #3.1.11
April '06		
	Miranda	Policy Page #3.6.2 / Hand Out
	Crime Scene Initial Response	Alan and Dave
	Evidence Packaging	Lee
	EDP's	
May '06		
	Proper Use and Collection - Blood Kits	
	Proper Use and Collection - UA Kits	
	Proper Use and Collection - Sexual Assault Kits	
	Mobile Video/Audio	Policy Page #3.6.11
June '06		
	Mass Arrest	Policy Page #3.7.12 & 3.7.15
	High Risk Warrant Service	Policy Page #3.7.23
	Mutual Aid	Policy Page #3.7.1
	Search Warrants	Policy Page #3.6.16 / Hand Out
July '06		
	Involuntary Commitments	
	Investigative Detentions	Hand Out
	Law of Arrest	Hand Out/ Policy Page #3.4.1
	Less Lethal Munitions	Policy Page #3.3.5

Powell Police Department  
Friday Training 2006

**Powell Police Department**  
**Friday Training 2006**

Date	Training	Research POC
October '06		
November '06		
	Mass Arrest	Policy 3.7.12 & 3.7.15
	Code of Ethics	Policy 1.2.05
	Active Threat Response	Policy 3.7.11
	Confidential Informants	Policy 3.6.16
December '06		
	Indicators for a K9 Search	Chad
	K9 Deployment	Chad
	Consent Search	
	Plain View (Vehicle)	

<b>Training</b>	<b>Date and Time/Place</b>	<b>Counter measures Task</b>	<b>Weapons Task</b>
Handgun/Rifle/Custody Control Simmunitiions	2-27-06/1400hrs/Classroom	Single Room Clearing Building Clearing/cuffing/searching	Skill Lessons 1,2 N/A
Handgun/Rifle/Custody Control Simmunitiions	3-20-06/1400hrs/Classroom	Squad Movement	Skill Lessons 3,4 N/A
Handgun/Rifle/Custody Control Simmunitiions	4-17-06/1400hrs/Range	Squad Movement/weapon retention	N/A
Handgun/Rifle/Custody Control Simmunitiions	5-12-06/1400hrs/Fairgrounds	Barricaded Gunmen	Skill Lessons 5,6 N/A
Handgun/Rifle/Custody Control Simmunitiions	6-12-06/1400hrs/PDI/Range	Barricaded Gunmen Scenario	N/A
Handgun/Rifle/Custody Control Simmunitiions	7-21-06/1400hrs/Fairgrounds	Multi-Room Cleaning	Skill Lessons 7,8 N/A
Handgun/Rifle/Custody Control Simmunitiions	8-21-06/1400hrs/PDI/Range	Multi-Room Cleaning	N/A
Handgun/Rifle/Custody Control Simmunitiions	9-25-06/1400hrs/Fairgrounds	N/A	Qualification Day Skill Lessons 9,10
Handgun/Rifle/Custody Control Simmunitiions	10-30-06/All Day/Range	N/A	Skill Lessons 11,12,13,14,15
Handgun/Rifle/Custody Control Simmunitiions	11-27-06/All Day/Range	N/A	Dirct. right Qualification
Handgun/Rifle/Custody Control Simmunitiions	12-18-QB/Range	N/A	

<b>Custody Control Task</b>
Handcuffing/Searchng N/A
Weapon Retention N/A
Self Defense N/A
Proper Prisoner Booking Refresher N/A N/A N/A

LGLP-Wachsmuth 1819

LGLP-Wachsmuth 1820

Instructor  
Miner

Schmidt/Glick  
Brown

Schmidt/Glick

Schmidt/Glick

UOF Instructors

WHP/Danzer

Blackmore/Kent/Firearms/Brown

Kosicheck/Brown

UOF/Blackmore

Firearms/Brown

Eckerdt

All

Firearms

Firearms

**Powell Police Department**  
**Friday Training December '08 thru February '09**

Date	Training	Research POC
December '08		
	Review from 08-1125	Hand Out
	Sexual Assault	Hand Out
	Missing Child	Hand Out
January '09		
	Custody & Control	Brown/Chapman/McCaslin
	All 5 Fridays	
February '09		
	Custody & Control	Brown/Chapman/McCaslin
	1 <sup>st</sup> 3 Fridays	
	NSF / Check Forgery	Hand Out

2008  
Custody and Control

March 2008

- Baton: Four Friday training sessions, 1 hour long.
- 3-7 Strikes and movement
  - 3-14 Dept Training, change to Blocking and strikes.
  - 3-21 Blocking and takedowns (possible jury trial this week)
  - 3-28 I will be out of town, have each squad review and document

April 2008

- Takedowns: Four Fridays, 1 hour long.
- 4-4 Baton, (test), grabs and takedowns (Jaw Thrust)
  - 4-11 Takedowns (Jaw Thrust)
  - 4-18 Takedowns
  - 4-25 Test on takedowns

May 2009

- Weapon Retention: Five Fridays, 1 hour long.
- 5-2 Front Grab
  - 5-9 Rear Grab
  - 5-16 Out of holster Grab
  - 5-23 Test on Weapon Retention

This will take us through May 2008, we will see if this works and if officers can pass this way. It will be up to the Sgt's to make arraignments with me to set up this training. The 1 and 2 shift should not be a problem; the night shift can come in around 3pm and go through this. If officers learn quickly, they can review themselves on other Friday's and practice.

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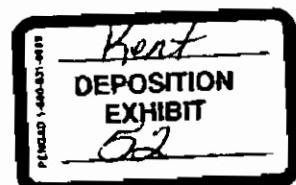
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00001

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**Powell Police  
Policies and Procedures**

**Section 1  
Chapter 2**

**Administration  
Department Organization**

**1.2.01 Policy Manual - Authority**

Effective Date: March 15, 2001

**Authorizing Signature:** \_\_\_\_\_

**Policy Statement**

The Chief of Police of the City of Powell shall have the authority to adopt policies, procedures, rules and regulations for the effective and efficient administration and management of the agency. All policies, procedures, rules and regulations contained in this manual shall be subordinate to the Powell City Employees Handbook, which is adopted in its entirety, except where noted and approved by the governing body. These policies, procedures, rules and regulations supercede all previous policies, procedures, rules and regulations and shall have the same authority as those in existence. Policies, procedures, rules and regulations shall not be cancelled, amended, or issued without the approval of and verified by the signature of the Chief of Police, or in his absence, the officer designated to act in his behalf.

All policies, procedures, rules and regulations are applicable to the specified employees of the agency. The failure of an employee, either willfully or through negligence or incompetence, to perform the duties at his rank or assignment; or violations by any employee of any policies, procedures, rules or regulations may be considered sufficient cause for disciplinary action as set forth in this manual. Therefore, it is the responsibility of every employee to have knowledge of the policies, procedures, rules and regulations contained in this manual and to abide by them.

**Procedure**

None.

**Rules/Regulations**

1. Employees will keep their manuals secure. Any information which could hamper the operations of the department, if released, will be kept strictly confidential. Strict confidentiality is especially important in regard to information on emergency response and criminal activity.
2. Loss of the manual or any of its components will be reported immediately to a supervisor.
3. All requests for the manual or any of its contents must be cleared through the Chief of Police.
4. Employees will keep their manuals in good condition and repair. Broken covers or torn pages will be repaired. When necessary, replacement of these parts will be requested through their supervisor.
5. Employees will be responsible for maintaining their manual in an up-to-date manner by making any changes or additions as directed. Upon being issued manual updates, employees will sign a dated form indicating that they have received and updated the manual. Employees are responsible for familiarizing themselves with all changes to the manual.

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(307) 324-7348 (fax)  
Attorneys for Defendants, City of Powell, Tim Feathers, Chad Minor, Mike Cretien, Roy Eckerdt, Dave Brown, Mike Hall, Brett Lara, Matt McCauslin, Alan Kent, Mike Danzer, Matt Brilakis, Lee Blackmore and Cody Bradley, all in their official capacities

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

TRICIA WACHSMUTH,

Plaintiff,

vs.

Civil Action No. 10- CV-041-J

THE CITY OF POWELL, TIM FEATHERS,  
CHAD MINOR, MIKE CRETIER, ROY ECKERDT,  
DAVE BROWN, MIKE HALL, BRETT LARA,  
MATT McCASLIN, ALAN KENT, MIKE DANZER,  
MATT BRILAKIS, LEE BLACKMORE,  
CODY BRADLEY, and  
John Does #1-#5.

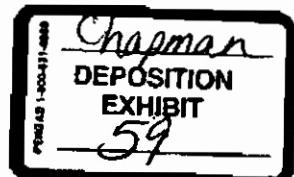
Defendants.

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**DEFENDANTS' RESPONSES TO PLAINTIFF'S FIRST DISCOVERY REQUEST  
DIRECTED TO ALL DEFENDANTS**

---

COMES NOW, the above named Defendants, City of Powell and all individually named Defendants in their official capacities, by and through their attorney, Thomas A. Thompson, and hereby submits, under oath, the following responses to *Plaintiff's Third Discovery Set Directed to City of Powell and Chief Feathers*, as follows:



**GENERAL STATEMENT AND OBJECTION**

A. The Plaintiff's Third Discovery Set Directed to City of Powell and Chief Feathers, impose upon these Defendants burdens and obligations beyond those contemplated by the applicable Federal Rules of Civil Procedure. Defendants will respond pursuant to the Federal Rules of Civil Procedure and any purported instructions, definitions, requirements or requests to the contrary will be disregarded.

B. Defendants object to any Interrogatories or Request for Production of Documents to the extent that they demand information which is protected by the attorney-client privilege, is attorney work product, or is irrelevant to the subject matter of the pending litigation and unlikely to lead to the discovery of admissible evidence.

C. To the extent any Request for Production of Documents can be interpreted as requiring Defendants to produce documents that are not available to Defendants or are equally available or accessible to Plaintiff, Defendants object thereto.

D. The answer and responses contained herein are to the best present ability and information of Defendants. Defendants reserve the right to supplement after completion of discovery and to introduce evidence at the time of trial or hearing based on information and/or documents located, developed or discovered subsequent to the date hereof, which evidence may supplement, modify, or be in conflict with the answers and responses contained herein which are based on present information only. Defendants acknowledge their continuing obligations to supplement their answers and responses contained herein, and remind Plaintiff of her identical obligation.

E. Any answer to these Interrogatories and Request for Production of Documents, which in whole or in part, voluntarily provides information or refers to materials which may be inadmissible on any evidentiary ground is not intended as a waiver of objection of any nature, including privilege, to the discoverability or admissibility of any and all information and materials. Furthermore, Defendants reserve the right to object to the admissibility or legal applicability of any such information or materials provided herein during the course of other discovery, pleading, motions or trial of this matter.

F. Defendants specifically object to the use of any information or materials provided in answer to Interrogatories and Request for Production of Documents in any proceeding to which Defendants are not a party.

**PLAINTIFF'S THIRD DISCOVERY SET DIRECTED  
TO CITY OF POWELL  
AND CHIEF TIM FEATHERS**

INTERROGATORY NO. 5. Please identify each occasion in which the Powell Police Department has engaged in a dynamic entry in the last seven years together with a brief explanation of the

facts of the entry, including whether it was in aid of a misdemeanor warrant, a felony warrant, whether it was hostage situation or a suicide attempt and whether deadly force was used. (You may omit the dynamic entry into the Plaintiff's home from this account).

**ANSWER:**

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: T. JL  
Thomas A. Thompson

Without waiving said objection, Defendants have attached hereto responsive to Plaintiff's requests for production, a copy of reports on those matters which may be responsive to said interrogatory. Said reports do not necessarily meet Plaintiff's definition of "dynamic entry", but Defendants have attempted to reply in good faith and in accordance with the applicable rules governing discovery.

**SUBPART 1.** Please identify the dates the entries occurred and the names of the officers involved. You may redact any information pertaining to the individuals named in the search warrant or identifying information about them.

**ANSWER:**

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: T. JL  
Thomas A. Thompson

Without waiving said objection see those reports attached hereto.

**SUBPART 2.** Please provide a basic description of the reason for the dynamic entry.

**ANSWER:**

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: T. JL  
Thomas A. Thompson

Without waiving said objection see those reports attached hereto.

SUBPART 3. For each entry how many long guns were involved?

ANSWER:

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: T. JL

Thomas A. Thompson

Without waiving saic. objection see those reports attached hereto.

SUBPART 4. For each entry were distraction devices employed, and if so, by which officers?

ANSWER:

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: T. JL

Thomas A. Thompson

Without waiving saic objection see those reports attached hereto. It does not appear as if any distraction devices were employed.

SUBPART 5. For each entry was the entry to the residence accomplished by force (i.e. was a battering ram used to break down the door)?

ANSWER:

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: T. JL

Thomas A. Thompson

Without waiving said objection see those reports attached hereto.

SUBPART 6. For each entry were weapons pointed at residents of the home, and if so, by which officers?

ANSWER:

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: TAC  
Thomas A. Thompson

Without waiving said objection see those reports attached hereto.

INTERROGATORY NO. 6. For each dynamic entry employed by the Powell Police Department identify whether there was any prior history of violence, threats of violence or threats to officer safety from those mentioned in the warrant or warrants and describe the evidence of the threat.

ANSWER:

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: TAC  
Thomas A. Thompson

Without waiving said objection see those reports attached hereto.

INTERROGATORY NO. 7. For each dynamic entry, please identify whether outside assistance was sought or provided from other agencies, and the identity of any individual who provided assistance, advice or expertise.

ANSWER:

Objection as to relevance. Defendants further object as said interrogatory is vague, ambiguous and otherwise burdensome and requires inquiry into matters outside the scope of those matters permitted by discovery.

By: TAC  
Thomas A. Thompson

Without waiving said objection see those reports attached hereto.

INTERROGATORY No. 8. Please identify each claim filed against the City of Powell, or any individual officer including complaints filed with internal affairs for excessive force by officers of the Powell Police Department within the last five years.

ANSWER:

Objection as to relevance. Defendants further assert that said interrogatory is outside the scope of those matters subject to discovery as per this Court's Protective Order

By: TTL  
Thomas A. Thompson

INTERROGATORY No. 9. Please identify who has final authority to act for the City of Powell as the policy maker for the Powell Police Department.

ANSWER:

Objection as said interrogatory calls for a legal conclusion.

By: TTL  
Thomas A. Thompson

Without waiving said objection, Defendants refer Plaintiff to those documents already produced and those documents attached hereto.

INTERROGATORY No. 10. Please identify each occasion on which a flashbang or noise distraction device such as that deployed in the instant case has been deployed by members of the Powell Police Department in the last seven years in furtherance of a search or arrest warrant or other police emergency.

ANSWER:

Objection as to relevance.

By: TTL  
Thomas A. Thompson

Without waiving said objection, no flashbang or noise distraction device such as that deployed in the instant case has been deployed by members of the Powell Police Department in the last seven years in furtherance of a search warrant or arrest warrant or other police emergency, other than training.

SUBPART 1. Please identify which officers were involved in the deployment of the flashbang or distraction devices set out above and for which dates.

ANSWER: N/A.

**PLAINTIFF'S THIRD REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiff requests the production of the following documents and tangible things pursuant to Rule 34 of the FRCP and Rule 34.1 of the USDCLR. *Plaintiff requests timely supplementation of Plaintiff's Third Discovery Set – Page 5 each document request pursuant to Rule 26(e) FRCP.* As set out in Rule 34.1(b) *U.S.D.C.L.R.*:

*A request for production . . . shall be read reasonably in the recognition that the attorney serving it generally does not have knowledge of the documents being sought and the attorney receiving the request . . . generally has such knowledge or can obtain it from the client.*

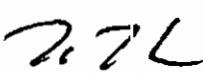
ALL OF THE DOCUMENTS REQUESTED BELOW MAY BE INCLUDED IN THE  
PROTECTIVE ORDER

**REQUEST FOR PRODUCTION No. 10.** Please produce the warrants and the officer reports associated with each of the dynamic entries identified in your answer to Interrogatory No.5. (You may redact the identity of the person or persons whose home or structure was searched, the names of any suspects, hostage taker or hostages including their street address or other identifying information).

RESPONSE:

Objection as to relevance.

By:

  
\_\_\_\_\_  
Thomas A. Thompson

Without waiving said objection, please see those reports attached hereto.

**REQUEST FOR PRODUCTION No. 11.** Please produce the evidence that suggested a suspect or suspects had a history of violence or presented a threat to the officers in response to Interrogatory No. 6 above. (You may redact the identity of the person or persons whose home or structure was searched, the names of any suspects, hostage taker or hostages including their street address or other identifying information).

RESPONSE:

Objection as to relevance.

By:

TATL

Thomas A. Thompson

Without waiving said objection, please see those reports attached hereto.

**REQUEST FOR PRODUCTION No. 12.** Please produce any document that confirms the authority of the final decision maker for the City of Powell Police Department.

RESPONSE:

Objection as said interrogatory calls for a legal conclusion.

By:

TATL

Thomas A. Thompson

Without waiving said objection, please see those documents attached hereto.

**REQUEST FOR PRODUCTION No. 13.** Please provide a copy of each claim filed against the City of Powell or any individual City of Powell police officer named in the complaint for excessive force in the last five years. (You may redact the identity of the person or persons making the claim unless the claim is a public document).

RESPONSE:

Objection as to relevance. Defendants further assert that said request is outside the scope of those materials subject to discovery as per this Court's Protective Order.

By:

TATL

Thomas A. Thompson

*(Remainder of page intentionally left blank)*

DATED this \_\_\_\_ day of \_\_\_\_\_, 2010.

**CITY OF POWELL AND ALL NAMED  
DEFENDANTS IN THEIR OFFICIAL  
CAPACITY ONLY**

---

By: **Tim Feathers**  
**Chief of Police**  
**Powell Police Department**

STATE OF WYOMING      )  
                              : ss.  
COUNTY OF PARK         )

The undersigned, being first duly sworn, deposes and says that he is the duly appointed representative for the City of Powell and acting in that capacity, he has read the foregoing, knows the contents thereof, and that it is true and correct to the best of his knowledge and belief.

---

**Chief Tim Feathers**

Subscribed to and sworn to (or affirmed) before me on \_\_\_\_\_ by **Tim Feathers** as Chief of Police for the City of Powell, Wyoming.

---

Notary Public

My commission expires: \_\_\_\_\_.

---

DATED this 22<sup>nd</sup> day of October, 2010.

  
\_\_\_\_\_  
Thomas A. Thompson, #6-2640  
MacPherson, Kelly & Thompson, LLC  
PO Box 999  
616 W. Buffalo  
Rawlins, WY 82301  
(307) 324-2713  
(307) 324-7348 - fax

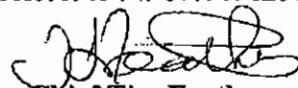
DATED this 21 day of OCTOBER, 2010.

**CITY OF POWELL AND ALL NAMED  
DEFENDANTS IN THEIR OFFICIAL  
CAPACITY ONLY**

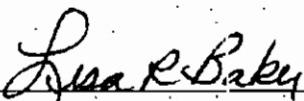
By: **Tim Feathers**  
**Chief of Police**  
**Powell Police Department**

STATE OF WYOMING      )  
                              : ss.  
COUNTY OF PARK      )

The undersigned, being first duly sworn, deposes and says that he is the duly appointed representative for the City of Powell and acting in that capacity, he has read the foregoing, knows the contents thereof, and that it is true and correct to the best of his knowledge and belief.

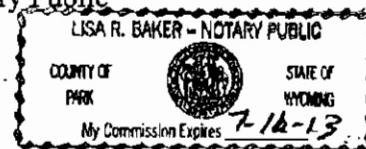
  
**Chief Tim Feathers**

Subscribed to and sworn to (or affirmed) before me on 10/21/10 by **Tim Feathers** as Chief of Police for the City of Powell, Wyoming.



Notary Public

My commission exp res: 7-16-13



DATED this 19<sup>th</sup> day of October, 2010.

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Thomas A. Thompson, #6-2640  
MacPherson, Kelly & Thompson, LLC  
PO Box 999

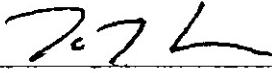
**CERTIFICATE OF SERVICE**

This is to certify that on the 22<sup>nd</sup> day of October, 2010, at Rawlins, Wyoming, I served the foregoing instrument by causing to be deposited a full, true and correct copy thereof in the United States Mail, duly enveloped with postage prepaid, and addressed to:

Jeffrey C. Gosman  
Gosman Law Office  
P.O. Box 51267  
Casper, WY 82601

Misha Westby  
Wyoming Attorney General's Office  
Herschler Building, 1<sup>st</sup> Floor West  
Cheyenne, WY 82002

Mailed By: 

  
For MacPherson, Kelly, & Thompson, LLC